

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.01.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. No.34662 of 2019

Navalmaruk Services India Pvt. Ltd.
Rep. by its Authorised Signatory,
Fernando Poletti,
Sea View Towers, Phase III,
5th Floow. #12/9, Krishnan Koil Street,
Chennai-600 001

...Petitioner

Vs

1.The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai-600 001

2.The Traffic Manager,
Chennai Port Trust,
Rajaji Salai,
Chennai-600 001

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to permit the petitioner to remove the crane Make No.HMK 280 E 128211 lying at the Open Space paved at WQII near Center Berth Building adjacent to passage 2m away in Area I mg. 400 Sqm.

For Petitioner : Mr.S.R.Raghunathan

For R2 : Mr.P.M.Subramanian

O R D E R

The Writ Petition has been filed in the nature of Mandamus seeking direction to remove the crane make No. HMK 280 E 128211 lying at the Open Space paved at WQ11 near Center Berth

Building adjacent to passage 2m away in Area I mg. 400 sqm., within the Chennai port trust.

2.It is evident from the records that the petitioner does not have privity of contract with the Chennai Port Trust. The place was taken on lease by independent license holder PSTS Logistics Private limited, who is not before this Court. This petitioner has erected his crane which has originally used for his own purposes and thereafter, he had leased out to others. The original allottee of the space, PSTS Logistics Private Limited, apparently having defaulted in the license fees demand was raised. On an earlier occasion, penalty had also been imposed on the default amount. There was also a suit instituted in C.S.No.54 of 2016 before the Original Side of High Court of Madras by PSTS Logistics against Chennai Port Trust with respect to 400 Sq.m. of length where the crane is now situated. By passage of time the condition of the crane deteriorated and today, it cannot be put for any commercial use. The petitioner wants to remove the same.

3.The learned counsel for the respondent filed a counter stating that unless the Chennai Port Trust is remitted with the licensing fees and the penalty amount, they cannot permit the crane to be removed. It is also informed that PSTS Logistics has instituted yet another suit in O.S.No.295 of 2020 before the VIIth Additional Civil Court, Chennai for recovery of amount including the present 9 lakhs.

4.In view of these circumstances it would only be appropriate that the petitioner herein is directed to deposit a sum of Rs.4 lakhs to the credit of the said suit O.S.No.295 of 2020 which is now pending before VIIth Additional City Civil Court, Chennai. It is made clear that the deposit is to be made by the present petitioner namely M/s.Navalmaruk Services India Private Limited. The Registrar, City Civil Court, Chennai may take the said deposit on credit and keep it pending to the credit of O.S.No.295 of 2020 (VII Additional City Civil Court) to abide the result of the said suit. On such deposit, the respondent herein may permit the petitioner to remove the crane situated in the space allotted and leased out to PSTS Logistics.

5.The learned counsel for the petitioner should effect the deposit of the sum of Rs.4 lakhs to the credit of the suit aforesaid on or before 07.02.2020. On such deposit, without any further advice, the respondent viz., Chennai Port trust may permit the petitioner to remove the crane and the Chennai Port trust is at liberty to proceed with the suit required in O.S.No.295 of 2020.

6.With the above observation, the Writ Petition itself is disposed. No costs. After obtaining permission from the VII Additional City Civil Court Judge, the Registrar, City Civil Court, Chennai, may transfer the deposit amount to any Nationalized Bank bearing interest.

Sd/-
Assistant Registrar (CS-II)

// True Copy//

Sub Assistant Registrar

vsn

To

1.The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai-600 001

2.The Traffic Manager,
Chennai Port Trust,
Rajaji Salai,
Chennai-600 001.

+1cc to Mr.S.R.Raghunathan, Advocate, SR.No.5143.

+1cc to Mr.P.M.Subramanian, Advocate, SR.No.4990.

VBA (CO)
CSR: 28/01/2020

W.P. No.34662 of 2019

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