



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.12.2021

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD) No. 13918 of 2015
and
WMP(MD) No. 1 of 2015

Piruka Impex
through its Proprietor,
Mr. Sajjan Nandkishore Aggarwal,
No.322, Govinda Complex,
Char Rasta, Vapi, Gujarat - 396195

... Petitioner

Vs.

1. The Deputy Commissioner of Customs,
Customs House, Bharathi Nagar,
Tuticorin.
2. The Traffic Manager,
V.O. Chidambaranar Port Trust,
Tuticorin.
3. M/s. MAC Exims,
through its Partner,
M.V. Mahesh,
New No. 75, Old No. 39, I floor,
Ebrahimji Street, Chennai - 600 001.

4. M. V. Mahesh
5. V. Chandra Sekar
6. M. Diyagananda Kumar
7. BSV Shipping Agencies Pvt Ltd as agents of
Pacific International Lines (PTE) Ltd
No. 9, South Raja Street, Tuticorin.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to substitute and clear the Bill of Lading dated 15.06.2015 covering single container in the place of Bill of Lading dated 11.06.2015 for two containers bearing numbers PCIU 1358278 and PCIU 1214012 arriving on 05.08.2015 through the Vessel St John Faith V.080 in accordance with relevant regulations and Manual and pass orders.



WEB COPY

For Petitioner : No appearance
For Respondents : Mr. G. Ramanathan
for Mr. R. Aravindan ,
Senior Standing Counsel for R1
Mr. Nikil Nanda
for N. Satheesh Kumar for R2
M/s. Kaverimani
for Mr. C.M. Arumugam for R4
R3, R5, R6 and R7 - No appearance

ORDER

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings on 30.11.2021, 01.12.2021, 02.12.2021 and 03.12.2021 which reads as follows:

'30.11.2021:

'Mr.Nikil Nandha, learned counsel representing Mr.N.Satheesh Kumar, learned counsel on record for second respondent and Mr.C.M.Arumugam, learned counsel for fourth respondent are before this Court but there is no representation for writ petitioner and other respondents including the official respondents, with the intention of giving opportunity to the writ petitioner, other respondents and their counsel, Registry to list the matter again tomorrow.

List on 01.12.2021.'

'01.12.2021:

'Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 30.11.2021.

2.The position is no different today. In other words, Counsel for respondents 1, 2 and 4 are before this Court but there is no representation for the writ petitioner and other respondents.

3.With the intention of giving opportunity to the writ petitioner, other respondents and their Counsel, Registry to list this matter again tomorrow.

4.List on 02.12.2021.'

'02.12.2021:

Read this in conjunction with and in continuation of earlier proceedings made in previous listings on 30.11.2021 and 01.12.2021, the position is no different today. In other words, though Mr. R.Aravindan, learned Standing



Counsel for first respondent, Mr. Nikil Nandha, learned counsel representing the counsel on record for second respondent and Mr. C. M. Arumugam, learned counsel for fourth respondent are before this Court, there is no representation for writ petitioner, with the intention of giving further opportunity to writ petitioner and writ petitioner's counsel, Registry to list the captioned matter tomorrow again.

2. List on 03.12.2021.'

'03.12.2021:

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings on 30.11.2021, 01.12.2021 and 02.12.2021.

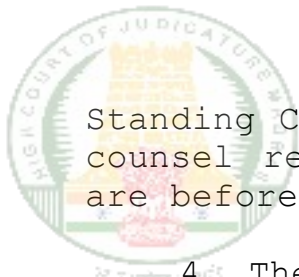
2. The position is no different today. In other words, there is no representation for writ petitioner, though Mr.R.Aravindan, learned Standing Counsel for first respondent, Mr.Nikil Nandha, learned counsel representing the Standing Counsel for second respondent and Mr.Alaudheen, learned counsel representing the counsel on record for fourth respondent are before me in this web hearing on a video conferencing platform i.e., virtual Court.

3. As there has been no representation for the writ petitioner in the previous three listings, Registry to list this matter on Monday (with the intention of giving yet another opportunity to the writ petitioner albeit a peremptory listing). Therefore, next listing shall be under the cause list caption 'FOR DISMISSAL'.

4. List on Monday i.e., 06.12.2021 under the caption 'FOR DISMISSAL.'

2. Pursuant to the aforementioned proceedings made in the last listing on 03.12.2021, captioned matter has been listed under the cause list caption 'FOR DISMISSAL' .

3. Notwithstanding this, the position is no different today. In other words, there is no representation for the writ petitioner, though Mr.G. Ramanathan, learned counsel representing Mr. R. Aravindan, learned Senior Standing counsel for first respondent, Mr. Nikhil Nanda, learned counsel representing the



Standing Counsel for second respondent and Mr. Kaverimani, learned counsel representing the counsel on record for fourth respondent are before me.

4. The aforementioned proceedings make it clear that this is the fifth consecutive successive listing in which the writ petitioner has not chosen to come before this court and pursue the matter. I am of the considered view that adequate and ample opportunity has been given to the writ petitioner but the writ petitioner has not come forward to pursue the matter.

5. The captioned writ petition and the miscellaneous petition are dismissed for default/non-prosecution. I refrain myself from imposing cost.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Deputy Commissioner of Customs,
Customs House, Bharathi Nagar,
Tuticorin.

2. The Traffic Manager,
V.O. Chidambaranar Port Trust,
Tuticorin.

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-37475[F] dated 06/12/2021)

+1 CC to M/s.A.ARIVUCHANDRAN, Advocate (SR-37682[F] dated 07/12/2021)

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-37810[F] dated 08/12/2021)

**W.P(MD)No. 13918 of 2015
and WMP(MD) No. 1 of 2015
06.12.2021**