



W.P.(MD).No.16683 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.16683 of 2013

and

M.P.(MD)No.1 of 2013

M/s.Raja Agencies,
Rep.by its Partner
D.Gnana Raj,
Post Box No.32,
Opp.Bharath Petroleum,
By Pass Road, Madathur,
Tuticorin – 628 008.

... Petitioner

Vs.

1.The Chief Commercial Manager,
Head Quarters Office,
Commercial Branch,
South Railway, Chennai – 3.

2.The Divisional Railway Manager,
(Commercial) Divisional office,
Commercial Branch,
Southern Railway, Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to refund the excess freight charge paid by the petitioner for a sum of Rs.5,39,538/- together with interest within a period prescribed by this Court.



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For Petitioner : Mr.P.T.S.Narandravasan,
For Respondents : Mrs.L.Victoria Gowri,
Assistant Solicitor General of India.

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the second respondent to refund the excess freight charge paid by the petitioner to the tune of Rs.5,39,538/- together with interest.

2. According to the petitioner, they were handling agent for Coramandal International Limited, which is leading importer of fertilizer.

3.The petitioner firm has been regularly loading bagged fertilizers since 2000 onwards. The petitioner has further contended that during continuous dispatch of rakes in August and September 2010 for Coromandal at Milavittan goods shed, the petitioner has paid an excess freight.

4. According to the petitioner, this excess amount could be adjusted and requested to transfer to other MVTS loading office. The petitioner has also sent a detailed representation to the second respondent herein, dated 16.06.2012 and the copy has also been forwarded to the first respondent herein.



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5. A perusal of the typed set of papers indicates that the first respondent has forwarded the said request of the petitioner to the second respondent, vide proceedings, dated 11.07.2013 and has requested the petitioner to pursue the matter with the second respondent. So far, the second respondent has not passed any orders. Hence, the present Writ Petition.

6. In view of the above said facts, without going into the merits of the case, this Court directs the second respondent to consider the request of the petitioner relating to refund of excess freight charge, on merits and in accordance with law and pass orders within a period of 12 weeks from the date of receipt of copy of this order, after giving due opportunity to the petitioner.

7. With the above said observation, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

05.08.2022

Index : Yes / No
Internet : Yes / No
das



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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 Chief Commercial Manager,
Head Quarters Office,
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South Railway, Chennai – 3.
- 2.The Divisional Railway Manager,
(Commercial) Divisional office,
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R.VIJAYAKUMAR ,J.

das

Order made in
W.P.(MD).No.16683 of 2013
and
M.P.(MD)No.1 of 2013

05.08.2022