



WA No.840 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2023

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THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

WA No.840 of 2023

All Sea Ports Trailer Owners Consortium
rep. By its Joint Secretary,
Mr.Mohanram

: Appellant

versus

- 1.National Association of Container Freight Stations,
rep. By its Treasurer,
Chennai Chapter, BWC Towers,
No.46/2, (37/2), 2nd Floor,
North Beach Road, 3rd Line,
Clive Battery, Chennai 1
- 2.Line Refree and Revenue Divisional Officer,
Chennai North, North Chennai Division,
Gandhi Main Road, Puzhal,
Chennai 600 006
- 3.The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery
Chennai 600007
- 4.The Deputy Commissioner of Police,
Rattan Bazaar Road, Chennai 600001



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5.The Assistant Commissioner of Police,
B-6, Port Marine Police Station,
Harbour, Chennai 600001

6.Assistant,
No.473, T.H.Road (Near Apollo Hospital)
(Opp. To Cholera Hospital) Tondiarpet,
Chennai 600081

7.Chennai and Kattupalli Port Contractors Committee
No.164, M.S.Koil Street,
Royapuram, Chennai 600013 : Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order passed by the learned Single Judge in WMP No.28033 of 2022 in WP No.27313 of 2022 dated 24.02.2023.

Appearances:

Mr.T.N.Rajagopalan, for the appellant

Mr.Adharsh Ramanujan, for the first respondent

Mr.Karthik Jegannathan, Government Advocate, for respondents 2 to 5

No appearance for respondents 6 and 7

JUDGMENT

(Made by the Hon'ble Chief Justice)

Heard Mr.T.N.Rajagopalan, learned counsel for the appellant, Mr.Adharsh Ramanujan, learned counsel for the first respondent, Mr.Karthik Jegannathan, learned Government Advocate, for respondents 2 to 5.



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2. The first respondent had filed the writ petition challenging the order passed by the Sub-Divisional and Revenue Divisional Officer, North Chennai in a peace committee meeting. During the pendency of the said writ petition, the present appellant filed an application for impleadment. The said application was rejected. Aggrieved thereby, the present writ appeal has been filed.

3. The learned counsel for the appellant contends that the appellant is a beneficiary of the order assailed before the learned Single Judge by the first respondent in the writ petition. The appellant is a consortium of All Sea Ports Trailer Owners. The learned Single Judge rejected the application for impleadment only on the ground that the appellant had not filed the registration certificate. According to the learned counsel, in the present writ appeal, the appellant has filed the registration certificate. If the order has civil consequences, and affects the civil rights of the parties, then this Court can entertain the Letters Patent Appeal.

4. The learned counsel for the appellant relies upon the judgment of this Court in the case of *C.Muthu and District Collector vs. K.Tamil Selvi*, dated 22.11.2017 in WA SR No.SR 44086 of 2017.



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5. Per contra, the learned counsel for the original writ petitioner submits that the writ petition filed is a criminal writ petition, assigned to the Court dealing with criminal writ petitions, as per the roster. The impugned order is passed invoking the provisions of the Code of Criminal Procedure inasmuch as the Sub-Divisional Magistrate and Revenue Divisional Officer had called for the peace talks in the presence of police officers. In such circumstances, Letters Patent Appeal is untenable. Reliance is placed on the judgment of the Apex Court in the case of *Ram Kishan Fauji vs. State of Haryana and Others*, (2017(5) SCC 533).

6. We have considered the submissions made by the parties.

7. It is not disputed that the writ petition is a criminal writ petition and assigned to the Court dealing with criminal writ petitions, as per the roster. Against an order passed in a criminal writ petition, intra-court appeal is not permissible.

8. Even if the contention of the appellant is to be accepted that the civil rights of the parties are affected, still the impugned order cannot be construed as a judgment. The application filed by the appellant for impleadment has been



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rejected. The appellant wants to invoke the Letters Patent jurisdiction. It is not a case decided or a judgment, as is contemplated under Clause 15 of the Letters Patent. It is not affecting the rights of the appellant. Moreover, the appellant is not without a remedy. The appellant is entitled to seek remedy as maybe permissible under law by filing appropriate proceedings.

9. With the aforesaid observations, the writ appeal stands disposed of. There will be no order as to costs. Consequently, CMP No.8061 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

25.08.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

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