



WEB COPY



W.P.No.2555 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2555 of 2021

M/s.Shuttle Cars India Private Limited,
Represented by its Authorized Signatory,
V.Balasubramaniam,
having office at No.67, Second Avenue,
Ashok Nagar, Chennai – 600 083 ...Petitioner

-Vs-

1.Airports Authority of India,
Represented by its Airport Director,
Having office at Chennai International Airport,
Chennai – 600 027

2.The Deputy General Manager (Commercial),
Airports Authority of India,
Chennai Airport,
Chennai – 600 027 ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 13.11.2020 and allow the petitioner to take out Three (3) BOV (Battery Operated Vehicles) Vehicles from the Airports Authority of India area.



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For petitioner : Mr.P.K.Ganesh
For Respondents : Mr.S.Venkatesan

ORDER

This writ petition has been filed for direction to direct the 2nd respondent to consider the representation submitted by the petitioner dated 13.11.2020 seeking permission to take out three Battery Operated Vehicles (BOV) from the respondents premises.

2. The petitioner is doing service of Battery Operated Vehicles service includes Free services of needy people and related accessories. The respondents had entered into an agreement on 05.03.2013 with the petitioner for providing, operating and maintaining Battery Operated Vehicle for transferring passengers from Domestic Terminal to International Terminal and vice versa. As per the agreement, the petitioner had deployed 12 Battery Operated Vehicles and they were in operation. Further, the petitioner had paid all necessary license i.e., Rs.10,000/- per vehicle



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demanded by the respondents. While being so, the petitioner paid all the necessary license fee till date without any arrears, the respondent issued letter dated 16.11.2016 thereby demanded to pay a sum of Rs.14,56,336/-. Thereafter, they also demanded by communication dated 25.11.2016 to the tune of Rs.40,00,000/-. After negotiation, it was agreed for a sum of Rs.20,00,000/- to be settled by the petitioner. Accordingly, the petitioner handed over the said amount and settled the same. However, the respondents closed the operation of Battery Operated Vehicles service from 31.12.2018. In pursuant to the same, the petitioner took 9 battery operated vehicles out of 12. However, the petitioner was not permitted to take out remaining battery operated vehicles from the respondents premises. Therefore, the petitioner submitted representation seeking permission to take out the Battery Operated Vehicles.

3. On the other hand, the petitioner filed a suit in O.S.No.8537 of 2019 on the file of the III Assistant Judge, City Civil Court, Chennai for permanent injunction to restraining the respondents herein from removing petitioner's Battery Operated Vehicles from the office of the respondents



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without setting dues to the petitioners. Now, the said suit is pending.

Therefore, the petitioner on one hand seeking direction to take out the battery operated vehicles from the respondents premises on the other hand the petitioner filed suit as against the above said relief. Therefore, both the prayers are contrary to each direction.

4. Therefore, the direction sought for in this writ petition cannot be considered. Accordingly, this writ petition is dismissed. No costs.

23.04.2024

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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To

- 1.The Airports Authority of India,
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Having office at Chennai International Airport,
Chennai – 600 027.

- 2.The Deputy General Manager (Commercial),
Airports Authority of India,
Chennai Airport,
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G.K.ILANTHIRAIYAN,J.
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