



WEB COPY



W.A.No.2634 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.2634 of 2024

Ruby Star Shipping Co. Ltd.,
OMC Chambers, Road Town,
Tortola, British Virgin Islands,
rep. by its Constituted Attorney
Anil Shamrao Jadhav

.. Appellant

Vs

1.Indian Coast Guard,
rep. by its Commandant Head Quarters,
Coast Guard Region (East),
Near Napier Bridge,
Chennai-600 009.

2.Kamarajar Port Limited,
rep. by its Chairman,
No.17, Jawahar Building,
Rajaji Salai,
Chennai-600 001.

3.Ministry of Shipping,
rep. by its Secretary,
2nd Floor, Rajaji Salai,
George Town, Chennai-600 001.



W.A.No.2634 of 2024

WEB COPY

4.Ennore Tank Terminal Private Limited (ETTPL"),
3rd Floor, P.T.LEE Chengalvaraya Naicker Maaligai,
No.23, Rajaji Salai,
Chennai-600 001.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 19.8.2024 passed by the learned Single Judge in W.P.No.33691 of 2018.

For the Appellant : Mr.Eswar

For the Respondents : Mr.AR.L.Sundaresan
for Mr.Venkataswamy Babu
Senior Panel Counsel

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal is directed against the order of the learned Single Judge dated 19.8.2024 passed in W.P.No.33691 of 2018.

2. Today, when the writ appeal is taken up for admission, learned counsel for the appellant submitted that before the writ court the appellant agreed to approach the civil court. Even



W.A.No.2634 of 2024

though several grounds have been raised to assail the judgment of the learned Single Judge, learned counsel for the appellant submitted that it would be suffice if this court observes that the civil court shall decide the suit uninfluenced by any of the observations made by the learned Single Judge.

3. Learned Additional Solicitor-General appearing for the respondents submitted that appellant may agitate the matter before the civil court and that the civil court may decide the suit on its own merits and in accordance with law.

4. Considering the aforesaid submissions made by learned counsel appearing on either side, we are not inclined to interfere with the order of the learned Single Judge. However, we make it clear that the civil court is at liberty to decide the suit filed by the appellant on its own merits and in accordance with law without being influenced by any of the observations made by the learned Single Judge in W.P.No.33691 of 2018, dated 19.8.2024.



W.A.No.2634 of 2024

WEB COPY

5. With the above observation, the writ appeal is dismissed.

There shall be no order as to costs. Consequently, C.M.P.No.18938 of 2024 is closed.

(D.K.K., ACJ.) (P.B.B., J.)
02.09.2024

Index : Yes/No
NC : Yes/No
bbr

To

- 1.The Commandant Head Quarters,
Indian Coast Guard,
Coast Guard Region (East),
Near Napier Bridge,
Chennai-600 009.
- 2.The Chairman,
Kamarajar Port Limited,
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- 3.The Secretary,
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WEB COPY



W.A.No.2634 of 2024

THE HON'BLE ACTING CHIEF JUSTICE
AND
P.B.BALAJI, J.

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W.A.No.2634 of 2024

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