



WP.No.18907 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05.2025

CORAM:

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

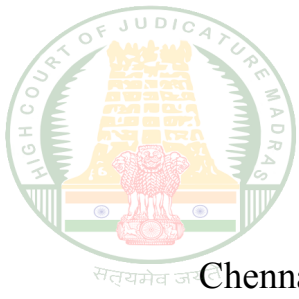
W.P.No.18907 of 2025
and WMP.Nos.21182 to 21184 of 2025

M/s.Amrut Dredging and Shipping Ltd.,
Rep.by Mr.Parag madan
the Authorised Representative
Ground Floor, Landmark Annex Building,
Opp Rex Chambers, Ballard Pier,
Mumbai 400 038

... Petitioner

Vs

1. The Office of the Deputy Conservator
Marine Department,
Chennai Port Authority,
6th Floor, Centenary Building,
No.1, Rajaji Salai,
Chennai 600 001.
2. The Traffic Manager
Chennai Port Authority,
No.1, Rajaji Salai,
Chennai 600 001.
3. The Principal Officer,
Mercantile Marine Department,
Anchorgate Building, 2nd floor,
PB 50004, Rajaji Salai,



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4. M/s.MSTC Ltd.,
Rep.by the Chief Manager,
ISPAT Bhavan,
3rd floor, No.5,
Kodambakkam High Road,
Chennai 600 034.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus to call for the records relating to the impugned order in Ref.No.S2/280/2025/M dated 01.04.2025 passed by the 1st respondent and to quash the same and direct the 2nd and 3rd respondents to restrain from removing the Tug Bharathiar from the berth through auction.

For Petitioner : Mr.Ramaswamy Meyyappan

For Respondents : Mr.Krishna Ravindran

ORDER

This writ petition has been filed for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order in Ref.No.S2/280/2025/M dated 01.04.2025 passed by the 1st respondent and to quash the same and direct the 2nd and 3rd respondents to restrain from removing the Tug Bharathiar from the berth through auction.



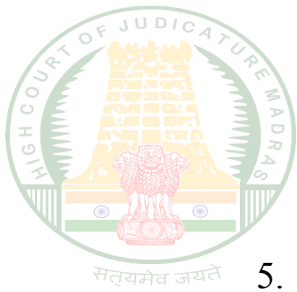
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2. I heard Mr.Ramaswamy Meyyappan, learned counsel for the petitioner and Mr.Krishna Ravindran, learned counsel for the respondents.

3. The petitioner claims to have purchased a Tug by name “Bharathiar” (IMO No.9224087) on 28.02.2023. The Tug is berthed at North Quay of Chennai Port. It has been lying there from February 2023 till date. It is a non operational Tug lacking a functioning engine and a regular crew. As it was creating a hindrance to the Chennai Port Trust, a notice was issued on 01.04.2025 calling upon the petitioner to vacate the berth. As the order was not complied invoking the powers vested in the Chennai Port Trust under Section 4(3) of the Major Ports (Regulation of Entry, Stay, Movement and Exit of Vessels) Rules, 1989 and Section 42 of the Indian Ports Act, 1908, the Vessel was distrained and kept under detention.

4. Consequent thereto, the Port Trust decided to conduct an auction in terms of Section 42 of the Indian Ports Act, 1908. Challenging the same the present writ petition has been filed.



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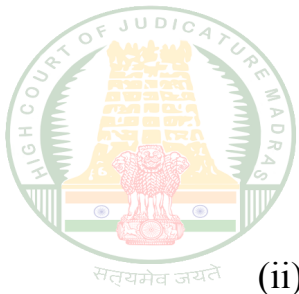
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5. When the matter came up for admission, Mr.Krishna Ravindran, learned counsel for the respondents submitted that the North Quay berth has been handed over by the Chennai Port Trust to the Defence Research and Development Organisation and on account of the Vessel “Bharathiar” being in the Quay from February 2023 onwards, the Port Trust is unable to carry out its responsibilities. He states that the auction was conducted today i.e., on 22.05.2025 but in deference to the pendency of the writ petition, this auction has not been confirmed.

6. Mr.Ramaswamy Meyyappan, learned counsel for the petitioner states he requires twelve weeks time to remove the Vessel.

7. I find this demand for twelve weeks is extremely unreasonable especially when the Vessel has been in the berth from February 2023 onwards. Taking into consideration the interest of the petitioner as well as the Port Trust, I pass the following directions:-

- (i) The petitioner shall remove the Vessel from North Quay war of the Chennai Port Trust, within a period of five weeks from today i.e., on or before 26.06.2025.



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(ii) The petitioner shall pay the dues to the Chennai Port Trust till 26.06.2025, by 06.06.2025.

(iii) In case the petitioner violates clause (ii) and does not remove the Vessel, the Port Trust is free to confirm the auction which it has held today.

8. With the above directions, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

22.05.2025

dpq/vsi-2

Index : Yes /No

Speaking Order : Yes/No



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