



W.P.(MD) No.1478 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2025

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.1478 of 2023

and

W.M.P.(MD).No.1353 of 2023

Vicnivas Agency,
Through its partner,
Mr.T.P.S.Ponkumar

... Petitioner

Vs

1. The Chairman,
V.O.Chidambaram Port Authority,
Ministry of Ports, Shipping and
Waterways Administrative Office,
Harbour Estate,
Tuticorin-628 004.
2. The Traffic Manager / Estate Officer,
V.O.Chidambaram Port Authority,
Ministry of Ports, Shipping and
Waterways Administrative Office,
Harbour Estate,
Tuticorin-628 004.
3. The Chief Engineer,
V.O.Chidambaram Port Authority,
Ministry of Ports, Shipping and
Waterways Administrative Office,
Harbour Estate,
Tuticorin-628 004.



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4. The Principal Accountant General,
Indian Audit and Accounts Department,
Office of the Principal Director of Commercial Audit
and Ex-Office Member Audit Board,
Indian Oil Bhavan, Level 2,
139, Mahatma Gandhi Road,
Chennai-600 034.

5. Ministry of Shipping,
Represented by its Secretary,
Transport Bhawan, 1, Parliament Street,
New Delhi-110 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to implement the board resolution dated 31.05.2018 communicated to the petitioner by letter dated 12.07.2018 made in No.E(C)/F.56/Estate/07/2018/D.1479 so far as finalization of the rate for the allotment of open space, valuation of the covered shed and partial surrender of Port Land-Refund of principal rent along with interest and as mentioned letter dated 12.07.2018 of the first respondent made in No.E(C) /F.56/Estate /07/2018/D.1479 in respect of S.Nos. (a) to (c) by directing the respondent Nos.1 to 3 to pay the admitted amount of the petitioner and consequently directing the respondent Nos.1 to 3 to consider the explanations given by the petitioner to the other two items for refund of dual wharfage charges collected by Port and rent collected on warehouses without treating on T.Shed norms and pay the remaining amount with interest within time frame as may be fixed by this Court.

For Petitioner : Mr.N.Shanmugaselvam



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For R-1 to R-3 : Mr.B.Saravanan,
Standing Counsel
for Mr.A.Arivu Chandran

For R-4 : Mr.P.Gunasekaran

For R-5 : Mr.R.J.Karthick

ORDER

This Writ Petition has been filed seeking a direction to the respondents to implement the Board Resolution dated 31.05.2018, which was communicated to the petitioner through the letter dated 12.07.2018 in No.E(C)/F.56/Estate/07/2018/D.1479. The petitioner seeks implementation of items (a) to (c) mentioned in the said communication relating to (i) finalization of the rate for allotment of open space, (ii) valuation of the covered shed, and (iii) partial surrender of Port land and refund of principal rent with interest. The petitioner also seeks a direction to respondent Nos.1 to 3 to pay the admitted amount and to consider his explanations regarding refund of dual wharfage charges and rent collected for warehouses without applying T-Shed norms, and to pay any balance amount with interest.



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2. The learned counsel for the petitioner submits that although the Port Trust passed a resolution on 31.05.2018 admitting liability, the benefits arising from the resolution have not been released till date. He further submits that there were several supporting documents before the Port Trust, and based on those documents, the respondents had admitted liability. However, the respondents have still not paid the amount.

3. The learned counsel for the fourth respondent submits that the Board Resolution dated 31.05.2018 was subsequently withdrawn by a later resolution dated 16.12.2019, due to objections raised in the audit. Therefore, according to the respondents, the earlier resolution cannot now be enforced.

4. The learned counsel for the petitioner submits that there are disputes only because of the audit objections raised later, and the respondents initially accepted the petitioner's claim on 31.05.2018. He submits that the subsequent withdrawal of the resolution on 16.12.2019 is the reason for the present complications.



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5. After considering the submissions on both sides, this Court finds merit in the submissions made by the respondents. The earlier Board Resolution dated 31.05.2018, in which the respondents had admitted liability, was withdrawn by a later resolution dated 16.12.2019 due to the audit objections. Once the audit objections were raised and accepted by the competent authority, the earlier resolution stood withdrawn. Unless the audit objections are satisfactorily cleared, the petitioner cannot rely on the earlier resolution.

6. From the documents relied on by the petitioner, it appears that the earlier resolution was based on certain documents, but due to defects pointed out by the audit, the resolution was withdrawn. The fact that the earlier resolution was passed and then withdrawn clearly shows that there is a dispute regarding the liability. Such disputed questions of fact, especially regarding financial liability, cannot be adjudicated in writ jurisdiction under Article 226 of the Constitution of India.

7. In these circumstances, the petitioner is at liberty to work out his remedy before the appropriate civil forum. This Court is not inclined to entertain this writ petition.



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8. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

TSG

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Tahsildar,
Manoor Taluk,
Tirunelveli District.
3. The Assistant Director of Survey and Land Records,
District Collectorate Campus,
Tirunelveli.
4. The Head Surveyor,
Manoor Taluk,
Tirunelveli District.
5. The Block Development Officer
Manoor Union,
Tirunelveli District.
6. The Deputy Superintendent of Police,
Thalaiyuthu Division,
Tirunelveli District.



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7. The Inspector of Police,
Manoor Police Station,
Tirunelveli District.



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KRISHNAN RAMASAMY, J.

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