

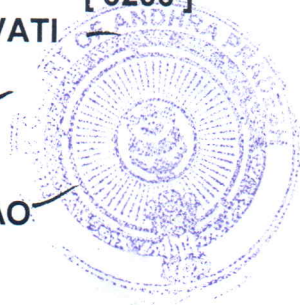
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE FIFTEENTH DAY OF SEPTEMBER,
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO
WRIT PETITION NO: 30066 OF 2022

[3206]



Between:

Vani Marines Private Limited, Represented by its Managing Director, Garapati Viswanadh, S/o Late Parasuramanna, Aged about 52 years, Occupation: Managing Director, Vani Marines Private Limited (petitioner herein), R/o Villa No.50, Pebble beach Villa, Near Sriram Panorama Hills, Plot No.27, Fishing Harbour, Rushikonda, - 530 045, Visakhapatnam.

...Petitioner

AND

1. Visakhapatnam Port Trust, Represented by its Chief Engineer, Visakhapatnam.
2. Union of India, Represented by its Secretary, Ministry of Ports, Shipping and Waterways, New Delhi.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction. more particularly one in the nature of Writ of Mandamus declaring the impugned action of the 1st Respondent demanding the Petitioner Company to hand over the vacant possession of leasehold land admeasuring 1909.1400 Square Meters vide Termination Notice No.Estate/Vani Marines/SA-2/923, Dated 12-09-2022, as illegal, arbitrary and in clear violation of Article 21 of the Constitution of India and consequently direct the 1st Respondent to pass appropriate orders on the Petitioner Company's Representations Dated 05.03.2022, 17.06.2022, 18.07.2022 and 17.08.2022.

IA NO: 1 OF 2022

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to stay all further proceedings of the 1st Respondent in connection with their Termination Notice No. Estate/Nani Marines/SA-2/923, Dated 12-09-2022, pending disposal of WP.No.30066 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri T.Janardhan Reddy, Advocate for the Petitioner and Sri Raviteja Padiri, Advocate for the Respondent No.1 and Sri N.Harinath, Assistant Solicitor General for the Respondent No.2, the Court made the following;

ORDER:

"The case of the petitioner is that lease of the petitioner is being terminated on account of unpaid dues. The petitioner contends that there is ambiguity about the actual amount due, as there is a difference of almost Rs.2,00,000/- between the amounts being claimed by the 1st respondent and the rent due according to the petitioner. ✓

Sri T. Janardhan Reddy, learned counsel appearing for the petitioner submits that if the said ambiguity is cleared the entire amount will be paid. He submits that the 1st respondent could not have initiated termination without having resolved the issue of quantum of rent payable. ✓

Smt. V. Uma Devi, undertakes to file vakalat for the 1st respondent and seeks time to obtain instructions. ✓

As it appears that the petitioner would be liable for a minimum sum of Rs.11,00,000/-, by any stretch, it would be appropriate to direct the 1st respondent not to evict the petitioner subject to the condition of the petitioner paying a sum of Rs.11,00,000/- within four (4) weeks from today. ✓

Post on 22.09.2022 in motion list."

//TRUE COPY//

Sd/-M Prabhakar Rao
ASSISTANT REGISTRAR

SECTION OFFICER

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To,

1. The Chief Engineer, Visakhapatnam Port Trust, Visakhapatnam.
2. The Secretary, Union of India, Ministry of Ports, Shipping and Waterways, New Delhi. (Addressee Nos. 1 & 2 by RPAD)
3. One CC to Sri. T. Janardhan Reddy, Advocate [OPUC]
4. One CC to Sri. Raviteja Padiri, Advocate [OPUC]
5. One CC to Sri N. Harinath, Assistant Solicitor General [OPUC]
6. One spare copy

MM

HIGH COURT

RRRJ

DATED:15/09/2022

NOTE: POST ON 22.09.2022IN MOTION LIST

ORDER

WP.No.30066 of 2022

DIRECTION

