

HIGH COURT OF ANDHRA PRADESH

MAIN CASE No.: WRIT PETITION No.20885 OF 2023

PROCEEDING SHEET

S. No	DATE	ORDER	
01.	16.08.2023	<p data-bbox="512 521 608 562"><u>RC, J</u></p> <p data-bbox="719 595 1098 636" style="text-align: center;"><u>W.P.No.20885 of 2023</u></p> <p data-bbox="608 651 995 692">Notice before admission.</p> <p data-bbox="512 707 1310 801">Sri N. Harinath, learned Deputy Solicitor General, takes notice for R1 & R2.</p> <p data-bbox="512 817 1310 911">Sri P. Sriram, learned Standing Counsel, takes notice for R3 & R4.</p> <p data-bbox="512 927 1310 1137">Learned counsel for the petitioner is permitted to take out personal notices on R5 & R6 through RPAD and file proof of service in the Registry.</p> <p data-bbox="608 1153 1214 1193">Post on 30.08.2023, for filing counter.</p> <p data-bbox="1203 1249 1302 1290" style="text-align: right;"><u>RC, J</u></p> <p data-bbox="767 1346 1050 1386" style="text-align: center;"><u>I.A.No.2 of 2023</u></p> <p data-bbox="512 1402 1286 1496">Heard P. Rajesh Babu, learned counsel for the petitioner.</p> <p data-bbox="512 1512 1310 1888">Learned counsel for the petitioner in elaboration contended that, the petitioner is the owner of the Tug Hemavathi and as per the invoices raised by the Port Authorities, the petitioner has paid all the dues of berth charges and in fact the petitioner has paid more than Rs.7 lakhs in excess. In spite of it, the authorities have</p>	

		<p>issued the notice dated 22.06.2023, directing the petitioner to liquidate the outstanding dues of Rs.10,05,143/- within fifteen (15) days, failing which the Tug Hemavathi would be put to auction through MSTC on sixteenth (16th) day onwards and has drawn the attention of this Court to the said notice, which is placed on record impugned in the present Writ Petition.</p> <p>He further submitted that, even as on today, the authorities have not auctioned the Tug Hemavathi as mentioned in the impugned notice dated 22.06.2023. If the said auction is allowed to continue, the petitioner will be put to irreparable loss and hardship.</p> <p>He further submitted that, the petitioner could not question the said impugned notice in time due to the reason that he is in abroad and he came to know recently about the unlawful pressure being put in by the 4th respondent. As such, prayed to protect the interest of the petitioner, pending Writ Petition.</p> <p>Perused the record.</p> <p><i>Prima-facie</i>, a point for consideration has been made out by the petitioner, and also there is every force in the contention of the learned counsel for the petitioner that in the event if the authorities proceed with the auction of the petitioner's Tug Hemavathi, there is every likelihood of the petitioner sustaining loss, as such, this Court is inclined to pass the following interim order:</p>	
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“The respondent authorities are directed not to auction Tug Hemavathi, if not already auctioned, for a period of four (04) weeks”.

RC, J

DSB