



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2015

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

M.P.No.1 of 2014

IN

W.A.[MD].[SR].No.38860 of 2014

and

W.A.(MD).No.588 of 2014

and

M.P.Nos.1 to 3 of 2014

The Branch Manager,
Muthuoot Fincorp Limited,
Usilampatti Branch,
Madurai District represented,
Through its Area Manager [Operations],
Mr.S.Sivaraj :Petitioner in MP(MD)No.1/14
in WA(MD)SR.No.38860/2014 and
Appellant in WA(MD)No.588/2014

Vs.

1.K.Chinnaraja

2.State, Represented by
the Superintendent of Police,
Madurai.

3.The Deputy Superintendent of Police,
Usilampatti, Madurai District.

4.The Inspector of Police,
Usilampatti Police Station,
Usilampatti, Madurai District.

5.The Branch Manager,
India Infoline Finance Limited [Gold Loan],
First Floor, Ramakrishnan Complex,
Bus Stand Backside,
Gandhi Nagar Main Road,
Battlagundu, Dindigul District.

..Respondents 1 to 5 in both
MP(MD)No.1/14 in WA(MD)SR.No.38860/2014
and WA(MD)No.588/2014

6.Karanamoorthi

7.Ganesan

8.Arasappan

9.Karuppasamy

10.K.Petchiammal

11.P.Sundari

12.M.Lavanya

13.E.Manjula

<https://hcservices.ecourts.gov.in/hcservices/>

14.M.Gubendar

15.M.Pothiraja



16.C.Mahalakshmi
 17.K.Gubendran
 18.Suman
 19.M.Alaguthai
 20.Anushiya
 21.Anitha
 22.Tamilarasi
 23.O.Thangapandi
 24.K.Pons Rani
 25.Pushparani

: Respondents/Respondents 6 to 25
 in WA(MD)No.588/2014

(Respondents 6 to 25 impleaded
 as per order of court dated 18.12.2014
 in MP(MD)No.4/14)

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the Order dated 28.03.2014 made in M.P.No.1 of 2014 in W.P.(MD). No.2935 of 2013 on the file of this Court.

Prayer in MP(MD). 1/ 2014 in WA(MD).sr38860/2014 :

Petition filed under section 5 of Limitation Act to condone the delay of 485 days caused in preferring the above appeal WA SR.NO.38860/14 against the order dated 03.04.2013 made in WP(MD)No.2935/2013.

Prayer in MP(MD). 1/ 2014 in WP(MD).2935/2013 :

To clarify the order dt.3.4.13. in WP.2935/2013 regarding the specific direction to the committee as well to the 1st respondent/writ petitioner to pay the difference in amount to this petitioner/5th respondent, at the time of release of the pleaded ornaments to the original pawnors before the committee.

Prayer in WP(MD). 2935/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus or any other order or direction in the nature of Writ, directing the Respondents 1 to 3 to constitute a Special Mediation centre under auspices and guidelines prescribed by this Honble Court by considering the petitioners representation dated 18.02.2013 and consequently directing the 4th and 5th respondents not to dispossess and dispose the articles from the petitioner company without following the due process of law.

For Appellant	: Mr.V.Raghavachari
For Respondent No.1	: Mr.D.Anbarasu
For Respondent Nos.2to4	: Mr.M.Alagadevan
	Special Government Pleader
For Respondent Nos.6 to 25:	Mr.RM.Arun Swaminathan for
	M/s.Chettinad Legal Solutions

JUDGMENT

[Judgment of the Court was made by The Hon'ble The Chief Justice]

Learned counsel for the appellant does not dispute that the order dated 03.04.2013 was the consent order. He, however, states that he sought a clarification of that order, which application was rejected on 28.03.2014.



2. No appeal lies against the consent order. The order requires no clarification, as it is a case, where the respondent No.1, with whom various persons, who availed loans, pledged their jewellery, repledged the same jewellery with the respondent No.1 for a much higher amount. This is the reason that a committee was appointed in terms of the order dated 03.04.2013, which is examining the matter. The third direction in Paragraph No.6 takes care of the apprehension of the appellant about the balance amount payable, as the said responsibility has been fixed on the petitioner in the original Writ Petition [the first respondent herein]. The appellant cannot delay redemption of the jewellery by the individuals, who have pledged it through this method, as those individuals are willing to repay the amount and take back the jewellery pledged only with the respondent No.1.

3. We, thus, find no merit in the application or the Writ Appeal and accordingly dismiss the same. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Madurai.

2.The Deputy Superintendent of Police,
Usilampatti, Madurai District.

3.The Inspector of Police,
Usilampatti Police Station,
Usilampatti, Madurai District.

Copy to: The Secretary, District Legal Aid Committee,
District Court Campus, Madurai.

+2CC to M/s.G.Prabhu Rajadurai, Advocate in SR.5785 & 5786
+2CC to M/s.V.Raghavachari, Advocate in SR.5602 & 5604
+1CC to M/s.Chettinad Legal Solutions, Advocate in SR.5664
+1CC to M/s.D.Anbarasu, Advocate in SR.5960
+1CC to the Special Government Pleader in SR.5850

M.P.No.1 of 2014

IN

W.A. [MD] . [SR] .No.43126 of 2014

and

W.A. (MD) .No.588 of 2014

and

M.P.Nos.1 to 3 of 2014

06.02.2015

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