

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.S.A.Nos.51 to 62; 70 to 84 and 85 to 87 of 2016
and
CMP.Nos.4525 to 4535; 5104 to 5114; 5164 to 5170 of 2016

MR.P.SUBBA REDDY ...Appellant in OSA Nos.51,52,53,54,55,
56,57,58,59,60,61,62 of 2016

A.GANESAN ...Appellant in OSA Nos.70,71,72,73,74,
75,76,77,78,79,80,81,82,83,84 of 2016

1. UDAYARANI
PLOT NO 28 29 SINGARAVELAN SALAI
NEELANAGARAI CHENNAI 600 041.

2. SIVARAMAKRISHNAN
PLOT NO 28 29 SINGARAVELAN SALAI
NEELANAGARAI CHENNAI 600 041.

...Appellants in OSA Nos.85,86,87 of 2016

Vs.

1.MR.S.D.SARAVANAN
S/O. MR. DHANDAPANI BOTH RES AT
GROUND FLOOR NO.30/2 GOPALA KRISHNA ROAD
T.NAGAR CHENNAI-17.

2.MRS.G.LAKSHMI
W/O.MR.S.D.SARAVANAN.

3.MR.A.GANESAN
NO.13 MELONY ROAD
T.NAGAR CHENNAI-17.

...Respondents 1 to 3 in
OSA.51 to 57 of 2016

THE ASST. GENERAL MANAGER
STATE BANK OF INDIA OVERSEAS BRANCH
MID-CORPORATE GROUP NO. 86 RAJAJI SALAI
CHENNAI -1 ...4th Respondent in OSA.51 of 2016

THE COMMISSIONER
EMPLOYEES PROVIDENT FUND NO. 20
RAYAPETTAH HIGH ROAD CHENNAI -14

...4th Respondent in OSA.52 of 2016

THE DEPUTY CHIEF INSPECTOR OF FACTORIES
CHENNAI 1ST DIVISION CHENNAI - 06.

...4th Respondent in OSA.53 of 2016

THE ASSESSING OFFICER
RANGE.1 INCOME TAX BUILDINGS AAYAKAR BHAVAN
NUNGAMBAKKAM CHENNAI - 34.

...4th Respondent in OSA.54 of 2016

THE SECRETARY
TAMILNADU LABOUR WELFARE BOARD
ANNA SALAI CHENNAI-06.

...4th Respondent in OSA.55 of 2016

THE REGIONAL DIRECTOR
INSURANCE IV BRANCH ESI CORPORATION
NO.143 STERLING ROAD CHENNAI-34.

...4th Respondent in OSA.56 of 2016

1.G. LAKSHMI
W/O. SARAVANAN BOTH RES AT GROUND FLOOR
NO.30/2 GOPALA KRISHNA ROAD
T.NAGAR CHENNAI-17.

2.S.D. SARAVANAN
S/O. DHANDAPANI.

3.MR.A.GANESAN
NO.30/2 GOPALAKRISHNA ROAD T. NAGAR
CHENNAI - 17 NOW AT NO.13 MELONY ROAD
T.NAGAR CHENNAI-17.

...Respondents 1 to 3 in
OSA.58 to 60 of 2016

1.LAKSHMI
D/O A.GANESAN W/O S.D.SARAVANAN
30/2 GOPALAKRISHNA RD NU TECH PADMAM APARTMENTS
GROUND FLR T.NGR CHENNAI 17

2.A.GANESAN
NO.13 MELONY
T.NAGAR CHENNAI

WEB COPY

- 3.KUPPAMMAL
30/2 NU ECH PADMAM APARTMENTS 3RD FLR
T.NAGAR CHENNAI 600 017
- 4.SARASWATHI
NO.32 ADAM SAHIB ST
ROYAPURAM CHENNAI 13
- 5.G.SHANKAR
NO.30/2 NU TECH PADMAM APARTMENTS
3RD FLR T.NAGAR CHENNAI 600 017
- 6.UDAYARANI
PLOT NO.28 29 SINGARAVELAN SALAI
NEELANGARAI CHENNAI 600 041
- 7.SIVARAMAKRISHNAN
PLOT NO.28 29 SINGARAVELAN SALAI
NEELANGARAI CHENNAI 600 041
- 8.SRK EXPORTS PVT LTD
REP BY ITS DIRECTOR A.GANESAN NO.13
MELONY RD T.NAGAR CHENNAI 600 017
- 9.GRANT ENTERPRISES
REP BY TIS PARTNER K.SARASWATHI NO.32
ADAM SAHIB ST ROYAPURAM CHENNAI 600 013
- 10.SBI OVERSEAS BRANCH
REP BY TIS CHIEF MANAGER NO.86
RAJAJI SALAI CHENNAI 600 001
- 11.SMALL INDUSTRIES DEVELOPMENT
BANK OF INDIA LTD
REP BY ITS REGIONAL MANAGER
NO.480 ANNA SALAI NANDANAM
CHENNAI 600 035
- 12.UCO BANK OVERSEAS BRANCH
REP BY ITS SENIOR MANAGER
THAMBU CHETTY ST CHENNAI 600 001
- 13.G.KANTHILAL
NO.11 SHANMUGAROYAN ST OLD WASHHERMANPET
CHENNAI 600 031
- 14.KOMALA
W/O SUNDARAPANDIAN NO.23/1
TONDIAR NAGAR MAIN ST TONDIARPET CHENNAI 81

- 15.GIRIJA
NO.23 SRIPURAM 1ST ST
ROYAPETTAH CHENNAI 600 014
- 16.G.DHAYLAN
OLD NO.78 NEW NO.104 ARAPERUNCHELVI ST
4TH KOTTAM KANCHIPURAM.
- 17.R.RAJASEKAR
NO.3/23 VIJAYALAKSHMI NAGR CANOTNMENT
POONAMALLEE CHENNAI 36
- 18.N.KARPUKKARASI
NO.27 THIRUPARUTHIKUNDREM VILALGE
SEVILIMEDU POST KANCHIPURAM.
- 19.S.NIRMALA
NO.386-A OTTAKUTHAR ST MAMALLAN NAGR
ARAPANCHERI KANCHIPURAM.
- 20.A.JEYANTHY
NO.93/35B EKAMBARANATHAN SANNITHI ST
4TH KOTTAM KANCHIPURAM.
- 21.S.SARAVNAAN
NO.12 SOUTH KRISHNAN ST 4TH KOTTAM
KANCHIPURAM.
- 22.A.PUNNIAKOTI
NO.2/352 2ND ST PANDIAN RD
SARASWATHI NAGR NEELANGARAI CHENNAI 600 041
- 23.S.RAMESH
DOOR NO.112/75B SALAI ST 4TH KOTTAM
KANCHIPURAM.
- 24.R.JAYACHITRA
DOOR NO.112/75B SALAI ST 4TH KOTTAM
KANCHIPURAM.
- 25.S.MAYILSAMI
DOOR NO.38/34 2ND ST SOMASUNDARAM NAGAR
TIRUVOTTRIYUR CHENNAI.
- 26.M.MERCY
DOOR NO.38/34 2ND ST SOMASUNDARAM NAGAR
TIRUVOTTRIYUR CHENNAI.

- 27.D.J.RAVICHANDRAN
NO.36 CO OP B COLONY K.K.PUDUR
COIMBATORE 641 038
- 28.G.SHANMUGASUNDARAM
OLD NO.5A NEW DOO NRO.3/2 SENTHILVELAN NAGR
M.K.P.COLONY GANAPATHY COIMBATORE 641 006
- 29.K.SUMATHI
NO.37B THIRUVALLUVAR ST RAMAPURAM
AMBATTUR CHENNAI 600 058
- 30.D.PALANI
NO.44 3RD MAIN RD LAKSHMI NAGR PORUR
CHENNAI 116
- 31.M.RAJALAKSHMI
OLD DOOR NO.9-A NEW DOORN O.19 KUPPU ST
BIG KANCHIPURAM.
- 32.R.V.INDRAJITH
OLD DOOR NO.9-A NEW DOORN O.19 KUPPU ST
BIG KANCHIPURAM.
- 33.S.JOTHIALAKSHMI
NO.12 SOUTH KRISHNAN ST 4TH KOTTAM
KANCHIPURAM.
- 34.G.GAYATHRI
NO.208 VALLALAR ST NASARATHPETTAI
CHINNA KANCHIPURAM.
- 35.T.JAYANTHI
NO.26E/109 SOUTH ST SEKKUPETTAI
2ND DIVISION KANCHIPURAM TOWN.
- 36.S.SURIYAKUMAR
OLD DOOR NO.5/1 NEW DOOR NO.25
JAGANATHA SWAMI KOIL ST
ARCOT VELLORE DIST.
- 37.KALAIVANI
OLD DOOR NO.5/1 NEW DOOR NO.25
JAGANATHA SWAMI KOIL ST
ARCOT VELLORE DIST.
- 38.S.VIVEKANANDAN
NO.5A SEKKUPETTAI KAVARAI ST
3RD KOTTAM KANCHIPURAM.

39.M.S.VARADHARAJAN
NO.90/38 THUMBAVANAM ST 2ND KOTTAM
KANCHIPURAM.

40.S.KANCHANA
PAPATHIAMMAN KOIL ST SATHUVACHARI
VELLORE 632 009

41.P.SULOCHANA
NO.7 ANGAMUTHU ST ROYAPETTAH 14

42.S.PREMA
NO.8 KOSA ST KOSAPETTAI VELLORE

43.THE EXECUTIVE OFFICER
NO.97 ENNATHUR PANCHAYAT WALAJAPET TK
KANCHIPURAM DIST KANCHIPURAM.

...Respondents 1 to 43
in OSA.61 & 62 of 2016

1.S.D. SARAVANAN
30/2 GOPALAKRISHNA ROAD
NU TECH PADMAM APARTMENTS (GROUND FLOOR)
T. NAGAR CHENNAI - 600 017.

2.LAKSHMI
D/O. A. GANESAN W/O. S.D. SARAVANAN
30/2 GOPALAKRISHNA ROAD
NU TECH PADMAM APARTMENTS (GROUND FLOOR)
T. NAGAR CHENNAI - 600 017.

3.P.SUBBA REDDY
30/2 GOPALAKRISHNA ROAD
NU TECH PADMAM APARTMENTS (1ST FLOOR)
T.NAGAR CHENNAI - 17 सत्यमेव जयते

4.THE ASSISTANT GENERAL MANAGER (RM-IV)
STATE BANK OF INDIA
OVERSEAS BRANCH (MID-CORPORATE GROUP)
NO.86 RAJAJI SALAI CHENNAI - 600 001.

...Respondents 1 to 4
in OSA.70 & 71 of 2016

1.S.D. SARAVANAN
30/2 GOPALAKRISHNA ROAD
NU TECH PADMAM APARTMENTS (GROUND FLOOR)
T. NAGAR CHENNAI - 600 017.

2.LAKSHMI

D/O. A. GANESAN W/O. S.D. SARAVANAN
30/2 GOPALAKRISHNA ROAD
NU TECH PADMAM APARTMENTS (GROUND FLOOR)
T. NAGAR CHENNAI - 600 017.

...Respondents 1 & 2 in OSA.72 to 77,
79 & 80 of 2016

THE COMMISSIONER
EMPLOYEES PROVIDENT FUND NO. 20
ROYAPETTAH HIGH ROAD CHENNAI -14

...3rd Respondent in OSA.72 of 2016

THE DEPUTY CHIEF INSPECTOR
CHENNAI I DIVISION
CHENNAI 600 006

...3rd Respondent in OSA.73 of 2016

THE SECRETARY
THE TAMILNADU LABOUR WELFARE BOARD
ANNA SALAI CHENNAI - 600 006.

...3rd Respondent in OSA.74 of 2016

THE ASSESSING OFFICER
RANGE - I INCOME TAX BUILDING
AAYAKAR BHAVAN NUNGAMBAKKAM
CHENNAI - 600 034.

...3rd Respondent in OSA.75 of 2016

THE REGIONAL DIRECTOR
INSURANCE IV BRANCH ESI CORPN
NO.143 STERLING RD CHENNAI 600 034

...3rd Respondent in OSA.76 of 2016

P.SUBBA REDDY
30/2 GOPALAKRISHNA RD
NU TECH PADMAM APARTMENTS
1ST FLR T.NGR CHENNAI 600 017

...3rd Respondent in OSA.77 to 80 of 2016

...5th Respondent in OSA.83,84 & 87 of 2016

1.G. LAKSHMI

W/O. S.D. SARAVANAN BOTH ARE RESIDING AT
GROUND FLOOR NO.30/2 GOPALA KRISHNA ROAD
T.NAGAR CHENNAI - 17.

2.S.D. SARAVANAN
S/O. DHANDAPANI.

...Respondents 1 & 2 in OSA.78 of 2016

1.LAKSHMI
30/2 GOPALAKRISHNAN ROAD NU TECHPADMAM APTS
T NAGAR CHENNAI 17

2.KUPPAMMAL
30/2 GOPALAKRISHNA ROAD NU TECH PADMAM APTS
(THIRD FLOOR) T NAGAR CHENNAI 17

3.SARASWATHI
12 ADAM SAHIB ST ROYAPURAM
CHENNAI 13

4.G SHANKAR
30/2 GOPALAKRISHNA ROAD NU TECH PADMAM APTS
(THIRD FLOOR) T NAGAR CHENNAI 17

5.UDAYARANI
28 29 SINGARAVELAN SALAI
NEELANGARAI CH 41

6.SIVARAMAKRISHNAN
28 29 SINGARAVELAN SALAI
NEELANGARAI CHENNAI 41

7.SRK EXPORTS PVT LTD
REP BY ITS DIRECTOR A GANESAN

8.GRANT ENTERPRISES
REP BY ITS PARTNER K SARASWAHI
32 ADAM SAHIB ST ROYAPURAM CHENNAI 13

9.S.B.I. OVERSEAS BRANCH
REP BY ITS CHIEF MANAGER
86 RAJAJI SALAI CHENNAI 1

10.SMALL INDUSTRIES DEVELOPMENT
BANK OF INDIA LTD
REP BY ITS REGIONAOL MANAGER
480 ANNA SALAI NANDANAM CHENNAI

11.UCO BANK OVERSEAS BRANCH
REP BY ITS SENIOR MANAGER
THAMBU CHETTY ST CHENNAI 1

- 12.G KANTILAL
11 SHANMUGARAYAN ST OLD WASHERMENPET
CHENNAI 21
- 13.KOMALA
23/1 TONDIAR NAGAR MAIN ST TONDIARPET
CHENNAI 81
- 14.GIRIJA
23 SRIPURAM 1ST ST ROYAPURAM
CHENNAI 14
- 15.P SUBBA REDDY
30/2 GOPALAKRISHNA ROAD NU TECH PADMAM APT
T NAGAR CHENNAI 17
- 16.G DHAYALAN
78 NEW NO.104 ARAPERUNCHELVI ST
4TH KOTTAM KANCHEPURAM
- 17.R RAJASEKAR
3/23 VIJAYALAKSHMI NAGAR CONTONMENT
POONAMALEE CHENNAI 36
- 18.N KARPUKKARASI
27 THIRUPARUNTHIKUNDRAM VILAGE
SEVILIMEDU POST KANCHIPURAM
- 19.S NIRMALA
386-A OTTAKUTHAR ST MAMALLAN NAGAR
ARAPANCHERI KANCHIPURAM
- 20.A JEYANTHY
93/35B EKAMBARANATHAR SANNITHI ST
4TH KOTTAM KANCHIPURAM
- 21.S SARAVANAN
12 SOUTH KRISHNAN ST
4TH KOTTAM KANCHIPURAM
- 22.A PUNNIAKOTI
2/352 2ND ST PANDIAN ROAD SARASWATHI NAGAR
NEELANGARAI CHENNAI 41
- 23.S RAMESH
112/75B SALAI ST
4TH KOTTAM KANCHIPURAM

- 24.R JAYACHITRA
112/75B SALAI ST
4TH KOTTAM KANCHIPURAM
- 25.S MAYILSAMI
38/34 2ND ST SOMASUNDARAM NAGAR
THIRUVOTTRIYUR CHENNAI
- 26.M MERCY
38/34 2ND ST SOMASUNDARAM NAGAR
THIRUVOTTRIYUR CHENNAI
- 27.D.G. RAVICHANDRAN
36 CO OP B COLONY
KK PUDUR COIMBATORE
- 28.G SHANMUGASUNDARAM
5A NEW DOOR NO.3/2 SENTHILVELAN NAGAR
MKP COLONY COIMBATORE
- 29.K SUMATHI
37B THIRUVALLUVAR ST RAMAPURAM AMBATTUR
CHENNAI 58
- 30.D PALANI
44 3RD MAIN ROAD LAKSHMI NAGAR
PORUR CHENNAI 116
- 31.M. RAJALAKSHMI
9A NEW DOOR NO.19
KUPPU ST KANCHIPURAM
- 32.R.V. INDRAJITH
9A NEW DOOR NO.19
KUPPU ST KANCHIPURAM
- 33.S JOTHILAKSHMI
12 SOUTH KRISHNAN ST
4TH KOTTAM KANCHIPURAM
- 34.G GAYATHRI
- 35.T JAYANTHI
26E/109 SOUTH ST SEKKUPETTAI 2ND DIVISION
KANCHIPURAM
- 36.S SURIYAKUMAR
5/1 NEW DOOR NO.25 JAGANTHA SWAMY KOIL ST
ARCOT VELLORE DT

37.S. KALAIVANI
5/1 NEW DOOR NO.25 JAGANATHA SWAMY KOIL ST
ARCOT VELLORE DT

38.S VIVEKANANDAN
5A SEKKUPETTAI KAVARAI ST 3RD KOTTAM
KANCHIPURAM

39.M.S. VARADHARAJAN
90/38 THUMBAVANAM ST
2ND KOTTAM KANCHIPURAM

40.S KANCHANA
PAPPATHIAMAMN KOIL ST
SATHUVACHERI VELLORE

41.P SULOCHANA
7 ANGAMUTHU ST ROYAPETTAH
CHENNAI 14

42.S PREMA
8 KOSA ST KOSAPETTAI
VELLORE

43.THE EXECUTIVE OFFICER
NO.97 ENNATHUR PANCHAYAT WALAJAPET TK
KANCHIPURAM DIST KANCHIPURAM.

...Respondents 1 to 43 in
OSA.81 & 82 of 2016

1.LAKSHMI
D/O. A. GANESAN W/O. S.D. SARAVANAN
30/2 GOPALAKRISHNA ROAD
NU TECH PADMAM APARTMENTS (GROUND FLOOR)
T. NAGAR CHENNAI - 600 017.

2.UDAYARANI
PLOT NO. 28 29 SINGARAVELAN SALAI
NEELANGARANI CHENNAI -41

3.SIVARAMAKRISHNAN
PLOT NO. 28 29 SINGARAVELAN SALAI
NEELANGARANI CHENNAI -41

4.KOMALA
W/O SUNDARAPANDIAN 23/1
TONDIAR NAGAR MAIN ST
TONDIARPET CHENNAI -81

...Respondents 1 to 4 in
OSA.83 & 84 of 2016

- 1.LAKSHMI
D/O. A. GANESAN. W/O. S.D.SARAVANAN
30/2 GOPALAKRISHNA ROAD
NU TECH PADMAM APPARTMENTS GROUND FLOOR
T.NAGAR CHENNAI 600 017.
- 2.A. GANESAN
NO.13 MELONY ROAD
T.NAGAR CHENNAI 600 017.
- 3.KUPPAQMMAL
30/2 NU TECH PADMAM APARTMENTS 3RD FLOOR
T.NAGAR CHENNAI 600 017.
- 4.SARASWATHI
NO.32 AQDAM SAHIB ST
ROYAPURAM CHENNAI 13.
- 5.G.SHANKAR
NO. 30/2 NU TECH PADMAM APPARTMENTS
3RD FLOOR T.NAGAR CHENNAI 600 017.
- 6.SRK EXPORTS PVT.LTD.
REP BY ITS DIRECTOR A.GANESAN NO.13
MELONY ROAD T.NAGAR CHENNAI 600 017.
- 7.GRANT ENTERPRISES
REP BY ITS PARTNER K.SARASWATHI
NO.32 ADAM SAHIB ST
ROYAPURAM CHENNAI 600 013.
- 8.SBI OVERSEAS BRANCH
REP BY ITS CHIEF MANAGER NO. 86
RAJAJI SALAI CHENNAI 600 001.
- 9.SMALL I9NDUSTRIES DEVELOPMENT
BANK OF INDIA LTD.
REP BY ITS REGIONAL MANAGER
NO. 480 ANNA SALAI NANDANAM
CHENNAI 600 035.
- 10.UCO BANK OVERSEAS BRANCH
REP BY ITS SENIOR MANAGER
THAMBU CHETTY ST CHENNAI 600 001.
- 11.G. KANTHILAL
NO. 11 SHANMUGAROYAN ST OLD WASHHERMANPET
CHENNAI 600 031.

- 12.KOMALA
W/O. SUNDARAPANDIAN NO. 23/1
TONDIAR NAGAR MAIN ST
TONDIARPET CHENNAI 600 081.
- 13.GIRIJA
NO.23 SRIPOURAM IST ST ROYAPETTAH
CHENNAI 600 014.
- 14.MR. P. SUBBA REDDY
NO. 30/2 GOPALA KRISHNA ROAD FIRST FLOOR
T.NAGAR CHENNAI 600 017.
- 15.G. DHAYALAN
OLD NO 78 NEW NO 104 ARAPERUNCHELVI ST
4TH KOTTAM KANCHIPURAM.
- 16.R. RAJASEKAR
NO. 3/23 VIJAYALAKSHMI NAGAR CANTONMENT
POONAMALLEE CHENNAI 600 036.
- 17.N. KARPUKKARASI
NO. 27 THIRUPARUTHIKUNDREM VILL
SEVILIMEDU PO KANCHIPURAM.
- 18.S. NIRMALA
NO. 386 A OTTAKUTHAR ST MAMALLAN NAGAR
ARAPANCHERI KANCHIPURAM.
- 19.A. JEYANTHY
NO. 93/ 35B EKAMBARANATHAR SANNITHI ST
4TH KOTTAM KANCHIPURAM.
- 20.S. SARAVANAN
NO. 12 SOUTH KRISHNAN ST 4TH KOTTAM
KANCHIPURAM.
- 21.A. PUNNIAKOTI
NO. 2/352 2ND ST PANDIAN ROAD
SARASWATHI NAGAR NEELANGARAI CHENNAI 600 041.
- 22.S. RAMESH
D.NO. 112/75B SALAI ST 4TH KOTTAM
KANCHIPURAM.
- 23.R. JAYACHITRA
D.NO. 112/75B SALAI ST 4TH KOTTAM
KANCHIPURAM.

- 24.S. MAYILSAMI
D.NO. 38/34 2ND ST SOMASUNDARAM NAGAR
TIRUVOTTRIYUR CHENNAI.
- 25.M. MERCY
D.NO. 38/34 2ND ST SOMASUNDARAM NAGAR
THIRUVOTTRIYUR CHENNAI.
- 26.D.G. RAVICHANDRAN
NO. 36 CO.OP B COLONY K.K.PUTHUR
COIMBATORE 641 038.
- 27.G. SHANMUGASUNDARAM
OLD NO 5A NEW D.NO3/2 SENTHIVELAN NAGAR
M.K.P.COLONY GANAPATHY COIMBATORE 641 006.
- 28.K.SUMATHI
NO. 37BM THIRUVALLUVAR ST RAMAPURAM
AMBATTUR CHENNAI 600 058.
- 29.D. PALANI
NO. 44 3RD MAIN ROAD LAKSHMI NAGAR PORUR
CHENNAI 600 116.
- 30.M.RAJALAKSHMI
OLD D.NO 9A NEW D.NO.19 KUPPU ST
BIG KANCHIPURAM.
- 31.R.V.INDRAJITH
OLD D.NO. 9A NEW D.NO19 KUPPU ST BIG
KANCHIPURAM.
- 32.S.JOTHILAKSHMI
NO.12 SOUTH KRISHNAN ST 4TH KOTTAM
KANCHIPURAM.
- 33.G. GAYATHRI
NO. 208 VALLALAR ST NASARTHPETTAI
CHINNA KANCHIPURAM.
- 34.T. JAYANTHI
NO. 26E/109 SOUTH ST SEKKUPETTAI
2ND DIVISION KANCHIPURAM TOWN.
- 35.S. SURIYAKUMAR
OLD D.NO.5/1 NEW D.NO.25
JAGANATHA SWAMI KOIL ST
ARCOT VELLORE DT.

36.KALAIVANI

OLD D.NO.5/1 NEW D.NO.25
JAGANATHA SWAMI KOIL ST
ARCOT VELLORE DT.

37.S. VIVEKANANDAN

NO.5A SEKKUPETTAI KAVARAI ST
3RD KOTTAM KANCHIPURAM.

38.M.S.VARADHARAJAN

NO. 90/38 THUMBAVANAM ST 2ND KOTTAM
KANCHIPURAM.

39.S.KANCHANA

PAPATHIAMMAN KOIL ST SATHUVACHARI
VELLORE 632 009.

40.P.SULOCHANAN

NO.7 ANGAMUTHU ST ROYAPETTAH
CHENNAI 600 014.

41.S. PREMA

NO. 8 KOSA ST KOSAPETTAI
VELLORE

42.THE EXECUTIVE OFFICER

NO. 97 ENNATHUR PANCHAYAT WALAJAPET TK
KANCHIPURAM DT KANCHIPURAM.

...Respondents 1 to 42
in OSA.85 & 86 of 2016

1.LAKSHMI

D/O A. GANESAN W/O S.D. SARAVANAN
30/2 GOPALAKRISHNA ROAD
NU TECH PADMAM APPARTMENTS (GROUNDS FLOOR)
T. NAGAR CHENNAI-600 017.

2.A. GANESAN

NO.13 MELONY ROAD T. NAGAR
CHENNAI-600 017.

3.SARASWATHI

NO.32 ADAM SAHIB STREET
ROYAPURAM CHENNAI-13.

4.KOMALA

W/O SUNDARAPANDIAN NO.23/1
TONDIAR NAGAR MAIN STREET
TONDIARPET CHENNAI-600 081.

...Respondents 1 to 4 in
OSA.87 of 2016

Original Side Appeals filed under Order XXXVI, Rule 9 of Original Side Rules read with Clause 15 of Letters Patent against the common order made in A.No.5373/13 in A.No.3029/13 in CS.78/11 (OSA.51/16); A.No.6377/15 in A.No.5330/13 in CS.78/11 (OSA.No.52/16, 72/16); A.No.6378/15 in A.No.5331/13 in CS.78/11, (OSA.53, 73/16; A.No.6379/15, in A.No.5332/13 in CS.78/11, (OSA.No.54,75/16; A.No.6380/15 in A.No.5333/13 in CS.78/11 (OSA.55,74/16); A.No.6381/15 in A.No.5334/13 in CS.78/11 (OSA.No.56,76/16); A.No.7015/15 in CS.78/11, (OSA 57,77/16); A.No.7016/15 in CS.301/12 (OSA.58,78/16); A.No.7017/15 in CS.78/11, (OSA.59/16, 79/16); A.N.7018/15 in CS.78/11 (OSA.60/16, 80/16); A.No.229/14 in CSD No.39780/13 in (OSA.61, 81, 85/16); A.No.4170/14 in CSD.39780/13 (OSA.62/16; A.No.5371/13 in CS.78/11, (OSA.70/16); A.No.5372/13 in CS.78/11, (OSA.71/16); A.No.1764/14 in A.No.229/14 in CSD NO.39780/13 (OSA.82,86/16); A.No.3546/14 in CSD.NO.39780/13 (OSA.83/16); A.No.3726/14 in CSD No.39780/13 (OSA.84/16); A.No.4169/14 in CSD.39780/13 (OSA.87/16); respectively dated 09.02.2016.

For Appellants in : Ms.K.Aparna Devi
OSA.51 to 62/2016

For Appellants in : Mr.T.Audiseshan
OSA.70 to 84/2016

For Appellants in : Mr.K.Govindan
OSA.85 to 87/2016

COMMON JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

The grievance in all these appeals arising from the impugned order is that various Interlocutory Applications have been ordered predicated on the consent of the parties. The submission of the appellants is that they actually urged the plea on merits opposing the applications/ or they never granted consent and thus, there appears to be some communication gap between what transpired in Court and what is recorded in the order.

2. After some arguments, it is conceded that this aspect has not been brought to the notice of the learned Single Judge. It is trite to say that this Court cannot look into the issue when the order of consent is there and it must be presumed that what is recorded is correct (AIR 1982 SC 1248 - Smt.Kamalesh Kumari

v. State of U.P. and others). The learned counsels for the appellants, faced with the aforesaid position, state that they will withdraw the appeals and move the learned Single Judge for recall of the impugned order based on the pleas which they may raise in the applications explaining as to what they had canvassed and what was their intent. It is, however, stated that in view of the appellants having exercised the right of appeal, the period for moving such an application has expired. Endorsement has been made by the learned counsels for appellants.

3. We are of the view that if the aforesaid be the position, the appellants may prefer an application within one week from today and on such application being preferred, it will be considered on merits.

4. The appeals are dismissed as withdrawn in terms aforesaid. No costs. Consequently, all connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

bbr

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

+1cc to Mr.K.Govindan, Advocate, S.R.No.17447
+3cc's to Mr.T.Audishesan, Advocate, S.R.Nos.17448 & 17378
+2cc's to Ms.K.Aparna Devi, Advocate, S.R.No.17446

O.S.A.Nos.51 to 62, 70 to 84
& 85 to 87 of 2016

RSI (CO)
CA(24/03/2016)

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