

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.9.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.A.No.1152 of 2016 against WP.27155/16
and
C.M.P.No.14894 of 2016

Ankur Grand Owners Association
252/254 E.V.R.Periyar High Road
Kilpauk Chennai-600 010
rep. by its Hon. Secretary
Mr.Hiren Botadra

Appellant/Petitioner

Versus

1 The District Registrar (Admin)
in the cadre of Assistant I.G. of
Registration
Chennai Central Chennai-600 014

2 State of Tamilnadu
rep. by its Secretary
Registration Department
Fort St. George Chennai-600 009

3 The Registrar of Societies
E.V.R.Periyar High Road
Kilpauk Chennai-600 010

4 Roshini Kiran Kumar Davey
rep. by its Power Agent
Kirankumar Davey
4-B Rainbow Orchid
24 Barnaby Road Kilpauk
Chennai-600 010

5 Ashish P.Davey

6 The Inspector of Police (Crime)
G3 Police Station
Kilpauk Chennai-10

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 4.8.2016 passed in W.M.P.No.23325 of 2016 in W.P.No.27155 of 2016 on the file of this court.

WP.No.27155 of 2016: This Writ Petition filed under Article 226 of the constitution of India praying to issue a Writ of Certiorari to call for the records of the 1st respondent passed in No.3629/D2/ 2016 dated 24.6.2016 and quash the same

For appellant : Mr.P.Krishnan

For RR1 to 3 : Mr.S.Pattabiraman, Govt. Advocate

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.S.Pattabiraman, learned Government Advocate, who accepts notice on behalf of respondent 1 to 3. Notice to other respondents is dispensed with.

2. The writ petitioner is before this court against the interim order passed by the learned Single Judge, imposing a condition for pre-deposit of a sum of Rs.1,47,800/- for granting interim stay.

3. The submission of the learned counsel for the appellant is that the learned Single Judge had formed an opinion on the merits of the case which only resulted in imposing of a condition for pre-deposit.

4. The matter is still pending consideration before the learned Single Judge. The learned Single Judge, may be, in his wisdom, passed the interim order by imposing a condition for pre-deposit, which is not at all a conclusion or conclusive proof of matter being disposed of. Rather, when the learned Single Judge, in his wisdom, passed some interim order, it may be for some purpose. Therefore, it is too premature to interfere with the interim order. However, it is for the petitioner/appellant to submit all their contentions before the learned Single Judge and seek for disposal of the main case itself instead of precipitating for vacating the stay so that the purpose would be served. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

- 1 The District Registrar (Admin)
in the cadre of Assistant I.G. of
Registration
Chennai Central Chennai-600 014
- 2 The Secretary rep by the
State of Tamilnadu
Registration Department
Fort St. George Chennai-600 009
- 3 The Registrar of Societies
E.V.R.Periyar High Road
Kilpauk Chennai-600 010

+1 cc to Mr.P.Krishnan Advocate sr 53578
+1 cc to the Government pleader sr 53805

W.A.No.1152 of 2016

aa18/10/2016



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