



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Third day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Ms.Justice V.M.VELUMANI

CMP(MD) No.4843 of 2016
IN
WA(MD) No.1249 of 2014

D.MUKUNDAN

... PETITIONER/APPELLANT

Vs

- 1 THE MANAGING DIRECTOR
TAMILNADU CIVIL SUPPLIES CORPORATION, NO.12,
THAMBUCHAMY ROAD, KILPAUK, CHEENAI 600 010.
- 2 THE SENIOR REGIONAL MANAGER
TAMILNADU CIVIL SUPPLIES CORPORATION,
THANJAVUR REGION, THANJAVUR.
- 3 M.MOHAMMED BADUSHA
- 4 THE MANAGER
KARUR VYSYA BANK, MAIN BRANCH, THANJAVUR.

... RESPONDENTS/RESPONDENTS

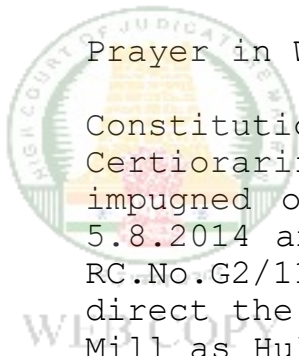
This Petition filed under section 151 of the Code of Civil Procedure, praying this Court to modify the order passed on 17.10.2014 by this Court in WA(MD).No.1249/2014 and to pay the encashed bank guarantee amount of Rs. 60.00 Lakhs together with interest to the 4th respondent bank.

Prayer in WA(MD). 1249/ 2014 :

Writ Appeal filed under clause 15 of Letters patent, against the order of the learned Single Judge, dated:25/9/2014, made in MP.(MD).No.3/2014 in WP.(MD).No.16042/2014.

Prayer in MP.(MD).No.3/2014 in WP.(MD).NO.16042/2014:

Miscellaneous Petition filed under Article 226 of Constitution of India, praying this Court to grant an order of interim injunction restraining the respondents 1 and 2 herein from in any way encashing the bank guarantee issued by the petitioner (MP.(MD).No.3/2014 in WP.(MD).No.16042/2014) pending disposal of the above writ petition (MD).No.16042/14.



Prayer in WP(MD). 16042/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 2nd respondent in RC.No.G2/11309/2014 dated 5.8.2014 and the consequent impugned order of the 2nd respondent in RC.No.G2/11309/2014 dated 6.8.2014 quash the same and consequently direct the respondents herein to supply paddy to the petitioner Rice Mill as Hulling Agent in accordance with the terms and conditions of the Hulling Agreement between the petitioner and the respondent corporation with exemplary costs.

ORDER : This petition coming on for hearing on this day, upon perusing the petition and the affidavit filed in support thereof and the earlier order of this Court and upon hearing the arguments of Mr.Veerakathiravan, Senior counsel for Mr.C.Jeganathan, Advocate for the petitioner and of Mr.R.Vijayakumar, Advocate for the Respondents 1 and 2 and of Mr.D.Sadiq Raja, Advocate for thee 4th Resondent, this court made the following order:-

ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

Subsequent to the order dated 17.10.2014 passed in W.A.(MD) No.1249 of 2014 in remanding the matter to the learned Single Judge for deciding M.P(MD)No.3 of 2014 afresh, there is a subsequent development.

2. Mr.Veera Kathiravan, learned Senior Counsel appearing for the petitioner would contend that subsequently, the bank guarantee has also been encashed and the respondent Corporation is keeping the excess amount and the petitioner is also servicing the same in the form of interest and prays for a direction to expedite the writ petition and he may be granted liberty to take out an appropriate application for some interim relief pending disposal of the writ petition.

3. This Court heard the submissions of the learned Counsel for the fourth respondent bank also.

4. If the petitioner is so advised and if it is permissible under law, he is always entitled to file appropriate application for interim relief.

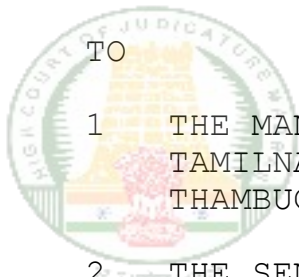
5. Since the writ petition is of the year 2014, the Registry is directed to accord priority for earlier disposal of the main writ petition.

6. Accordingly, no further orders are necessary in this petition and therefore, this Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

/True copy/



TO

1 THE MANAGING DIRECTOR
TAMILNADU CIVIL SUPPLIES CORPORATION, NO.12,
THAMBUCHAMY ROAD, KILPAUK, CHEENAI 600 010.

2 THE SENIOR REGIONAL MANAGER
TAMILNADU CIVIL SUPPLIES CORPORATION,
THANJAVUR REGION, THANJAVUR.

Copy to: The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to M/S.C.JEGANATHAN Advocate SR.No.55848
+1cc to Mr.D.Sadiq Raja, Advocate SR.No.55836

Date :23/09/2016
ORDER
IN
CMP(MD) No.4843 of 2016
IN
WA(MD) No.1249 of 2014
Giving direction etc., as
stated within.

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