

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE M. SUNDAR

W.P.No.5614 of 1989

PONNI SUGARS & CHEMICALS LTD.,
having its registered Office at
'Kavin House' Perungudi, Chennai 600 096
(Represented by its Director)
Mr.K. Venkatesan) .. PETITIONER

For Petitioner: Mr.N. Inbarajan

For Respondent: Mr.J. Madanagopal Rao,
CGSC

ORDER

M.SUNDAR, J.

Today when the writ petition is taken up for hearing, Mr.N.Inbarajan, learned counsel appearing for the writ petitioner is present. On behalf of the respondent Mr.J.Madanagopal Rao, learned Standing Counsel for Central Government is present.

2. I am informed by the Registry that the case file is not readily available.

3. Interestingly, both the learned counsel for the writ petitioner as well as the learned Standing Counsel for Central Government Mr.C.Madanagopal Rao say that they do not have the case file.

4. However, learned counsel for the writ petitioner points out from the order copy available with him that the writ petitioner in W.P.No.5614 of 1989 is Ponni Sugars (Orissa) Limited and that the said company has been wound up by an order of this Hon'ble Court (Company Court) vide order dated 02.04.2004 and two communications pertaining to the same have also been placed before this Court.

5. There is a piquant situation wherein the exact cause title in W.P.No.5614 of 1989 is not available, but the

learned counsel representing the writ petitioner and the learned Standing Counsel for Central Government are before this Court.

6. As the case file is not available with any one, there is no point in keeping this writ petition pending in this Court.

7. The writ petition needs to be dismissed for non-prosecution. To be noted, though the learned counsel for the writ petitioner was diligently present before this Court, he is unable to prosecute the matter, as he is not having the case file.

8. The writ petition is dismissed for non-prosecution. No costs.

9. At this stage, the learned counsel appearing for the writ petitioner states that he will make an attempt to identify his client and also make an attempt to get papers from his client if possible and then prosecute the matter if anything survives.

10. Considering the fact that the writ petition is of the year 1989 and has been pending in this Court for over 2½ decades and 3½ years (28½ years), I am not inclined to accede to the request of the learned counsel for the writ petitioner.

11. Registry is directed to have this order typed and issued with case number and names of the counsel, as the exact cause title is not available under the circumstances stated supra.

12. Registry is directed to make this order by itself as cause title for this case.

13. In the light of the winding up order referred to supra, Registry shall send copy of this order to the office of the Official Liquidator attached to this Court.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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TO

The Official Liquidator, High Court, Madras.104.

W.P.No.5614 of 1989

LRS (CO)

EU(22/12/2017)