



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2017

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.19776 of 2017

and

W.M.P. (MD) No.16032 of 2017

The Management,
VNR HSG-3 Kariyappatti Circle-
Co-operative Housing Society Limited,
Kariyapatti,
Virudhunagar-626 106.

... Petitioner

Vs.

1. The Authority,
Under the payment of Subsistence
Allowance Act (Assistant Commissioner of Labour)
Madurai.

2. Tmt.M.Prema

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of certiorari, calling for the records of the impugned order passed by the first respondent dated 07.09.2017 in M.U. I.A.No.12/2017 in P.S.A.No.4/2015 and quash the same.

For Petitioner : Mr.R.Saravanan
For R1 : Mr.A.K.Baskara Pandian,
Special Government Pleader.

O R D E R

Heard Mr.R.Saravanan, learned counsel appearing for the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader, who takes notice on behalf of the first respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2.The Writ Petition challenges the order dated 07.09.2017 by which the preliminary objection raised by the petitioner was rejected and the matter was posted for further hearing on 14.09.2017, 19.09.2017 & 25.09.2017.



3. Having regard to the fact that the aforesaid impugned order is only an order of rejection of preliminary objection and does not adjudicate on merits the rights of the parties, the request of the petitioner to withdraw the writ petition, is accepted.

4. Recording the same, the present Writ Petition is disposed of with an observation that the petitioner is at liberty to impeach the correctness of the findings in the impugned order as and when any final order is passed in the proceedings pending before the first respondent. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Authority,
Under the payment of Subsistence
Allowance Act (Assistant Commissioner of Labour)
Madurai.

+1cc to Spl. Government Pleader Sr.No.84843
+1cc to Mr.R.Saravanan, Advocate Sr.No.84315

MYR

VB/KK/SAR1/16/11/2017/2P/4C

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