

O.A.Nos.191 to 193 of 2018**R.SURESH KUMAR, J.**

This Court by order dated 25.02.2019, has granted an interim order to the following effect.

"11. In that view of the matter, this Court is inclined to pass the following order.

- a) The respondent, his men or agents or any other person claiming under his name, is hereby restrained from encumbering, selling or creating third party right or otherwise, in respect of any of the property morefully described in the schedule to the judges summons in all these applications.
- b) Further, the respondent, his men or agents are also restrained from exploiting any of the schedule mentioned properties, even if it is encumbered already prior to this order.
- c) The respondent, his men or agents are further restrained from acting in any manner pursuant to the letter dated 14.02.2018 written by the applicant company to the respondent.
- d) This interim prohibitory order shall be in effect from today. "

2. On notice, the respondent entered appearance and has filed a counter also. Mr.M.S.Krishnan, learned Senior Counsel, appearing for the respondent,

<http://www.judis.nic.in> made a submission that out of the 109 items of properties mentioned in the

schedule to the judges summons, the applicant is the owner in respect of four properties and insofar as the remaining 105 properties, according to the learned Senior Counsel for the respondent, the applicant is not the owner.

3. In this regard, he would further submit that, the applicant had entered into some lease agreements with the respective owners of the other properties and one such copy of the lease agreement has been filed in the typed set of documents. Relying upon the same, the learned Senior Counsel would submit that, there has been no money transaction between the lessor and lessee and therefore, whether the said lease deed is executable or not in the eye of law, is the question to be decided by this Court.

4. The applicant only nominated or entrusted the job of identifying the lands for the purpose of the proposed wind mill project of the applicant and accordingly the respondent has identified the lands, which are morefully described in the schedule to the judges summons.

5. Insofar as those lands, which have been identified by the respondent is concerned, the respondent does not have any relation whatsoever with those lands vis-a-vis with the applicant, except to act as a "land aggregator (broker)" and he cannot independently exercise any right, either as a power agent of the applicant or on his own.

6. When that being the position, the learned Senior Counsel appearing for the respondent vehemently contended that, the prohibitory order passed by this Court referred to above, restraining the respondent herein from alienating any of the properties mentioned in the schedule to the judges summons, is not only unwarranted, but also unjustified, as the respondent has been unnecessarily dragged into these proceedings.

7. On hearing the learned Senior Counsel appearing for the respondents, when this Court questioned the learned counsel for the applicant, as to the status of the properties, learned counsel would submit that out of the 109 properties, in respect of 4 properties, the applicant is the owner and insofar as the other properties are concerned, the applicant is having some legal rights, for which he is having the documents. Learned counsel is not definite to state that in terms of the other 105 properties, for which the applicant is claiming to be the owner, they have valid title deeds and when specifically asked, whether the applicant is having title deeds to be produced before this Court to establish the ownership of the 105 properties, the learned counsel for the applicant is not in a position to say anything affirmative.

8. It shows prima facie that the applicant is not the owner of the 105 items of the properties mentioned in the schedule to the judges summons and therefore, the prohibitory order issued by this Court insofar as the other properties, against the respondent, in the opinion of this Court, is unwarranted

R.SURESH KUMAR, J.

KST

and therefore, this Court feels that, the said order can be vacated. Accordingly, the order passed by this Court dated 25.02.2019 is hereby vacated. Post the matter in the first week of June 2019.

KST



24-04-2019

O.A.No.191 to 193 of 2018

WEB COPY