

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2018

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.17450 of 2009
& MP Nos.1 & 2 of 2009

The Madras High Court Staff Association,
Represented by its Secretary W.Solomon,
Chennai-104. ... Petitioner

Vs.

- 1.The Chief Engineer (Building) PWD,
Chepauk, Chennai-600 005.
- 2.The Registrar General,
High Court of Madras,
Chennai-600 104. Respondents

Writ petition filed under Article 226 of the Constitution of India seeking to issue a writ of mandamus to direct the first respondent not to collect penal rent from the rental quarters allottee members of the petitioner Association who have been transferred to Madurai and rejoined in Chennai and who are temporarily under transfer to Madurai.

For Petitioner : Mr.S.Namasivayam

For Respondents : Mr.N.Sakthivel, AGP for R1
Mr.V.Ayyathurai, S.C., for
Mr.Durai Eswar for R2

ORDER

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

By the impugned order, the second respondent was asked to deduct the penal rent from the petitioner pending disposal of the writ petition filed in W.P.No.36302 of 2007.

2. Though the aforesaid impugned order is a communication dated 27.09.2007 sent to the second respondent by the first

respondent, certainly, it does have civil consequence. Thus, we are of the considered view that the said order cannot be sustained in the eye of law. Further, it was passed by way of an interim measure. We do not know about the fate of the writ petition mentioned therein. However, inasmuch as the order has got civil consequence, the same cannot be sustained in the eye of law. Accordingly, the impugned order passed by the second respondent stands set aside and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar(cS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Chief Engineer (Building) PWD,
Chepauk, Chennai-600 005.

2.The Registrar General,
High Court of Madras,
Chennai-600 104.

SR(CO)
sm:25.7.2018

W.P.No.17450 of 2009

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