



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.A. (MD) No.840 of 2018

and

C.M.P. (MD) Nos.5081 & 5082 of 2018

M.Murugan

... Appellant / Petitioner /Petitioner

-Vs-

1. The Additional Chief Engineer (Metro)
TANGEDCO
Office of the Superintendent of Engineer
Madurai
2. The Executive Engineer (APTS)
TANGEDCO
Office of the Superintendent of Engineer
Madurai
3. The Assistant Executive Engineer (O&U)
TANGEDCO
Office of the Superintending of Engineer
Thirumangalam, Madurai
4. The Assistant Engineer (O&M)
TANGEDCO
Office of the Superintending of Engineer
Thirumangalam, Madurai

... Respondents / Respondents /Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 31.05.2018, made in W.M.P.(MD) No.10581 of 2018 in W.P.(MD) No.11614 of 2018.

Prayer in WMP(MD). 10581/ 2018 :

To grant an interim stay of all further proceedings of the impugned order passed by the 4th respondent vide his proceedings in Ka.No.VuMiPo/May/Thiruma/Va.Aa/Ko.Thani/A.No.040/18,dated 18/05/2018 pending disposal of the above writ petition.

Prayer in WP(MD). 11614/ 2018 :Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the 4th respondent vide his proceedings in Ka.No.VuMiPo/May/Thiruma/Va.Aa/Ko.Thani/A.No.040/18,dated 18/05/2018 and quash the same as illegal.

**J U D G M E N T****[Judgment of the Court by K.RAVICHANDRABAABU, J.]**

This writ appeal is directed against the conditional interim order of stay, dated 31.05.2018, granted by the Writ Court in W.M.P. (MD) No.10581 of 2018 in W.P.(MD) No.11614 of 2018, wherein and whereby, while granting interim stay of the impugned demand, the appellant was directed to deposit 50% of the amount claimed in the impugned order, dated 18.05.2018, within a period of four weeks from the date of receipt of a copy of that order.

2. Heard the learned counsel for the appellant.

3. Though the learned counsel for the appellant sought to contend that the impugned demand itself is erroneous by inviting our attention to some proceedings issued by the Department, we are not inclined to go into the merits of the matter, since the Writ Court has only directed the appellant to deposit 50% of the amount claimed in the impugned order as a condition for granting interim stay of the same. Therefore, we find no reason to interfere with such order as the same was passed by protecting the interest of both parties, pending disposal of writ petition.

4. The learned counsel for the appellant further contended that already 30% of the demand was paid by the appellant in pursuant to the earlier proceedings. If that is so, it is for the appellant to approach the Writ Court and seek for modification of the interim order. Without doing so, filing the writ appeal cannot be entertained.

5. In the result, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

+1CC to Mr.D.Senthil, Advocate, SR.No.68878

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and

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