



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2019

CORAM:

THE HONOURABLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.[MD]No.498 of 2019

and

C.M.P.[MD]No.4574 of 2019

V.Sankaranarayanan

: Appellant

Vs.

- 1.The Assistant Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
Maahalipatti Distribution,
Madurai Town, Madurai - 01.
- 2.The Assistant Executive Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
Anuppannadi Distribution, Madurai - 09.
- 3.A-2656, Southern Railway Employees and
General Co-operative Building Society Ltd.,
Near Solaimalai Theatre,
Arasaradi, Madurai.

4.J.Stephen Simson

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the conditional order passed by the learned Single Judge, in W.M.P.[MD]No.18045 of 2016 in W.P.[MD]No.24950 of 2016 dated 23.12.2016 as against the condition of depositing the amount of Rs.2,00,000/- alone and allow this Writ Appeal keeping the stay in the interest of justice.

Prayer in WMP(MD). 18045/ 2016 :

To Stay the operation of the impugned order passed by the 1st respondent in க.எண்.உ.மிபொ/பகிர் /மா.பட்டி/மது/வ.மே/கோ.மி.தி/அ.எ/16-dated 01.12.2016 till the disposal of the above said main WP and thus render justice.

Prayer in WP(MD). 24950/ 2016 :

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 relating to the impugned proceedings of the 1st respondent in க.எண்.உ மிபொ/பகிர் /மா.படடி/மது/வ.மே/கோ.மி.தி/அ.எ/16 dated 01.12.2016 and quash the same as illegal.

For Appellant : Mr.R.Sevugaraja

For Respondents 1 & 2 : Mr.S.M.S.Johnny Basha
Standing Counsel

JUDGMENT

**[Judgment of the Court was delivered by
The Hon'ble Acting Chief Justice]**

The petitioner / appellant has filed this intra court appeal against the interlocutory order passed by the learned Single Judge in W.M.P.[MD]No.18045 of 2016 in W.P.[MD]No.24950 of 2016, whereby the learned Single Judge recording the agreement of the learned Counsel for the petitioner to deposit a sum of Rs.2,00,000/- on or before 22.01.2017, passed the interim stay order on the condition of deposit of Rs.2,00,000/- as agreed by the learned Counsel for the petitioner. Now, the present appeal has been filed against this order without filing any such review or recall petition before the learned Single Judge with the affidavit.

2.Learned Counsel for the petitioner / appellant contended before us that he never made any such concession or agreement on behalf of the petitioner before the learned Single Judge. We do not find any such ground taken in the Writ Appeal itself. Learned Counsel for the petitioner / appellant also urged before us that the premises is leased out to the fourth respondent Mr.Stephen Simson, who runs an industry in the said premises. The demand of Rs.6.78 Lakhs has been raised against the petitioner on account of alleged power theft.

3.Having heard the learned Counsel for the petitioner / appellant, we are not inclined to interfere with the said interim order passed by the learned Single Judge, especially when an agreement or concession on the part of the learned Counsel for the petitioner has been recorded by the learned Single Judge. If at all the learned Counsel for the petitioner / appellant wanted to --- from the said concession, it is open to him to file an affidavit or file a review or recall application before the same learned Single Judge. Otherwise, we do not find any merit to take a different view of the matter and modify the said order. The intra Court appeal is devoid of merits and it is liable to be dismissed.



4. Accordingly, the intra court appeal is dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

MR/MPK

To

1. The Assistant Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
Maahalipatti Distribution,
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2. The Assistant Executive Engineer,
Tamil Nadu Electricity Generation
and Distribution Corporation Ltd.,
Anuppanadi Distribution, Madurai - 09.
3. The Southern Railway Employees and
General Co-operative Building Society Ltd.,
Near Solaimalai Theatre,
Arasaradi, Madurai.

+1CC TO MR.S.M.S.JOHNNEY BASHA, Advocate Sr. No. 96427

JUDGMENT MADE IN
W.A.[MD]No.498 of 2019
Dated: 06.11.2019

MA(CO)

TR(14.11.2019) 3P 5C