



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.A(MD)No.90 of 2020

and

C.M.P(MD)No.859 of 2020 Against WMP(MD)No.23288/2019

in

WP(MD)No.26937 of 2019

- 1.The District Collector,
Collector Office,
Virudhunagar District,
Virudhunagar.
- 2.The Joint Registrar (Co-operative),
O/o.Joint Registrar Co-operative Societies,
Virudhunagar.
- 3.The District Supply Officer,
Virudhunagar District,
Virudhunagar. ... Appellants / Respondents / Respondents
Vs.

A.Chitra ... Respondent / Petitioner / Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 18.12.2019 made in W.M.P(MD)No.23288 of 2019 in W.P(MD)No.26937 of 2019 on the file of this Court.

Prayer in WP(MD)No.26937 of 2019

Writ petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records pertaining to the Impugned order in Ref.Na.Ka.C.S.1/5976/2019 dated 25-11-2019, on the file of the Respondent No.1, and quash the same as illegal and consequently for a direction, directing the Respondent No.1 to permit the petitioner to run the Fair Price Shops in V.Karisalkulam, Poombidakai, Thiruvallur and S.Nankoor in Tiruchuzhi Taluk, Virudhunagar District.

Prayer in WMP(MD)No.23288 of 2019

To pass an order of Interim direction, directing the Respondent No.1 to permit the petitioner to run the Fair Price Shops in V.Karisalkulam, Poombidakai, Thiruvallur and S.Nankoor in Tiruchuzhi Taluk, Virudhunagar District, pending disposal of the above writ petition.



For Appellants

: Mr.VR.Shanmuganathan,
Special Government Pleader.

For Respondent

: Mr.T.Lajapathi Roy

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JUDGMENT

(Judgment of the Court was delivered by

M.DURAISWAMY, J.)

The State has filed the above Writ Appeal challenging the interim order passed by the learned Single Judge in W.M.P(MD)No.23288 of 2019 in W.P(MD)No.26937 of 2019, dated 18.12.2019.

2.We are of the considered view that as against the interim order passed by the learned Single Judge, which is discretionary in nature, this Court need not venture into the correctness of the order which would ultimately affect the case of both parties while hearing the Writ Petition. In such view of the matter, we are not inclined to entertain the Writ Appeal as against the interim order passed by the learned Single Judge.

3.Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the appellants submitted that the appellants have already filed a vacate stay petition today ie., 29.01.2020. However, Mr.T.Lajapathi Roy, learned counsel appearing for the respondent submitted that in the case of the learned Special Government Pleader bringing up the vacate stay petition before the learned Single Judge, he would make his submissions before the learned Single Judge.

4.In view of the submissions made by the learned counsel appearing on either side, we are dismissing the Writ Appeal. However, it is open to the appellants to prosecute the vacate stay petition before the learned Single Judge in accordance with law.

5.The learned counsel appearing on either side submitted that they would make a mention before the learned Single Judge for taking up the vacate stay petition for hearing at an early date. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

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To

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SMA/10/02/2020/3P/4C