



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 02.12.2020

CORAM

THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN
AND
THE HON'BLE Mr. JUSTICE B.PUGALENDHI

W.A. (MD)No.414 of 2014
and
M.P. (MD)No.1 of 2014

Bank of India,
Karur SME Branch,
No.23, Sengundhapuram,
1st Cross Street,
Karur - 639 002.
Rep. by its Chief Manager.

.. Appellant

Vs.

1. The Commissioner,
Karur Municipality,
Karur.

2.P.Mathiazhagan

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 26.02.2014, passed in M.P.(MD)No.1 of 2014 in W.P.(MD)No.3383 of 2014.

Prayer in MP(MD)No.1 of 2014 in WP(MD)No.3383/ 2014 : To grant an order of ad-interim injunction restraining the 1st Respondent, his men, agents and subordinates or anyone Claiming under the 1st respondent sealing the premises morefully described in the Schedule below or causing any hindrance to the petitioner's peaceful occupation and enjoyment of the said premises pending disposal of the writ petition.

Prayer in WP(MD). 3383/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus or any other appropriate writ order or direction in the nature of Writ of Mandamus forbearing the 1st Respondent his men, agents subordinates or anyone Claiming under him from sealing the premises morefully



described in the schedule below or causing any hindrance to the petitioner to the peaceful occupation and enjoyment of the said premises.

For Appellant : Mr.F.B.Benjamin George
For R1 : Mr.Senthil Kumariah
For R2 : Mr.N.Shanmugaselvam

JUDGMENT

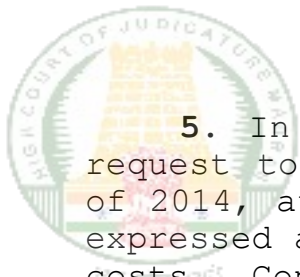
(Judgment of the Court was delivered by N.KIRUBAKARAN, J.)

This Writ Appeal has been filed by the appellant against the interim order dated 26.02.2014, passed in M.P.(MD)No.1 of 2014 in W.P.(MD)No.3383 of 2014, directing the appellant to pay a sum of Rs.75,000/- [Rupees Seventy Five Thousand only] to the first respondent with liberty to recover it from the second respondent.

2. We have heard the learned counsel appearing for the appellant and the learned counsel appearing for the first respondent and the learned counsel appearing for the second respondent and perused the materials available on record.

3. It is evident from the records that the Writ Petition has been filed by the appellant Bank seeking for issuance of a Writ of Mandamus, forbearing the first respondent, his men, agents, subordinates or anyone claiming under him from sealing the petition mentioned premises or causing any hindrance to the appellant Bank to the peaceful occupation and enjoyment of the said premises. While admitting the Writ Petition, the learned Single Judge of this Court directed the appellant to pay a sum of Rs.75,000/- [Rupees Seventy Five Thousand only] to the first respondent towards the tax arrears due, against which, the present Writ Appeal has been filed. Moreover, because of pendency of the present Writ Appeal, the Writ Petition, which is pending from the year 2014, could not be disposed of.

4. At this juncture, it would be worthwhile to quote the decision rendered by a Division Bench of this Court in ***Southern Academy of Maritime Studies, Rep. by Director, Maritime Education Private Ltd., Chennai Vs. A.M.Akash and others*** reported in ***CDJ 2019 MHC 2548 [W.A.No.1819 of 2019, decided on 14.06.2019]***, wherein this Court after considering the earlier decisions of this Court, held that a writ appeal is not maintainable against an interim order.



5. In view of the above, the Writ Appeal is dismissed with a request to the learned Single Judge, to dispose of W.P.(MD)No.3383 of 2014, at the earliest. It is made clear that this Court has not expressed any opinion on the merits of the pending Writ Petition. No costs. Consequently, connected Miscellaneous Petition is dismissed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note :- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

W.A. (MD) No. 414 of 2014

02.12.2020

SJ(CO)

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