



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.519 of 2016

K.Muthaiah

.. Appellant

Vs.

1. The Registrar,
Co-operative Societies,
Chennai.

[R1 deleted vide court order, dated 13.02.2018,
made in C.M.P.(MD)No.12444/2016 in
W.A. (MD)No.519/2016]

2. The Joint Registrar,
Co-operative Societies,
Virudhunagar District.

3. Ganesan, S/o.Karuppiah

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent,
against the order dated 14.12.2015, passed in M.P.(MD)No.1 of 2015
in W.P.(MD)No.22367 of 2015.

Prayer in MP(MD) 1/2015 in WP(MD). 22367/ 2015 :

To stay the operation of the impugned proceedings in review
petition No.1/15 in Na.Ka.No.1687/15 sapa passed by the 2nd
respondent dated 12.10.2015 pending disposal of this Writ Petition.

Prayer in WP(MD). 22367/ 2015 :

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 impugned proceedings in review petition
No.1/15 in Na.Ka.No.1687/15 sapa passed by the 2nd respondent dated
12.10.2015 and quash the same.



For Appellant : No Appearance
For R1 : Deleted
For R2 : Mr.M.Muthugeethaiyan
Special Government Pleader
For R3 : No Appearance

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JUDGMENT

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

This Writ Appeal has been filed by the appellant against order dated 14.12.2015, passed in M.P.(MD)No.1 of 2015 in W.P.(MD)No.22367 of 2015, directing the appellant to pay last drawn wages payable to the third respondent every month from the date of writ petition, during the pendency of the writ petition.

2. It is evident from the records that the Writ Petition was filed in the year 2015 and the interim order has been passed as early as on 14.12.2015. Moreover, because of pendency of the present Writ Appeal, the Writ Petition, which is pending from the year 2015, could not be disposed of.

3. 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.

4. 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.22367 of 2015, 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.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.



To

The Joint Registrar,
Co-operative Societies,
Virudhunagar District.

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Copy to: The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.
(To Place this matter before the Hon'ble single Judge
concerned for further orders)

+1 CC to the SPL GP (SR-23887[F] dated 03/12/2020)

W.A. (MD) No. 519 of 2016
02.12.2020

MA (CO)
CS (23.12.2020) 3P 4C