



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.3670 of 2013

M/s. Eskay Home Collections Pvt. Ltd.,
Represented by its Chief Manager,
Saravanan.

... Petitioner

Vs.

1.The Micro Small Enterprises Facilitation Council,
Madurai Region,
Represented by the Chairman,
Collectorate, Madurai.

2.M/s.Subbulakshmi Weaving,
Shed No.1, SIDCO Industrial Estate,
1, SIDCO Industrial Estate,
Madurai - 625 008.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the judgment passed by the 1st respondent in O.P.No.1/MSEFC/2011 dated 07.12.2012 and quash the same.

For Petitioner : Mrs.D.Geetha

For Respondents : Mr.R.Aravindan for R2

No appearance for R1

ORDER

Heard the learned counsel for the writ petitioner and the learned counsel for the second respondent.

2.The second respondent herein initiated recovery proceedings against the petitioner before the first respondent Council. The first respondent Council passed the impugned award in favour of the second respondent herein and against the petitioner herein. The same is under challenge in this writ petition. I am conscious that this writ petition is not maintainable. But I am glossing over it because the parties have decided to bury the hatchet.

3.During the pendency of this writ petition, the issue has been amicably resolved between the parties. The second respondent has filed a memo and the same has been signed by their counsel also. The terms of the memo read as follows:-

"1.The 2nd respondent has received a sum of Rs.7,25,000/- in full quit of all claims and demands against the writ petitioner by Demand Draft 970033 drawn on Canara Bank, Mandavelipakkam Branch, Chennai dated



20.01.2021.

2.The 2nd respondent agrees to withdraw EP No.4923 of 2013 on the file of the IX Assistant City Civil Court Judge, Chennai.

3.The award dated 17.12.20212 passed by the 1st respondent in OP1/MSEFC/2011 may be set aside."

4.The learned counsel for the writ petitioner states that he will ensure that the amount in terms of the said memo reaches the hands of the learned counsel for the second respondent as early as possible. The said submission is recorded.

5.Recording the said submission and in view of the said memo, the impugned award is quashed and the writ petition is allowed. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

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.

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