



W.M.P.Nos.11349, 11359 and 11363 of 2023

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in

W.P.Nos.10294, 10337 and 10350 of 2020

ABDUL QUDDHOSE, J.

Today, the above said 3 modification petitions are taken up for hearing through Video Conferencing.

2. Heard Mr.P.Rajkumar, learned counsel for the petitioner and Mr.V.Prasanth Kiran, learned Government Advocate appearing for the State.

3. As far as W.M.P.Nos.11349 and 11363 of 2023 are concerned, the learned counsel for the petitioner would submit that he is not pressing the said miscellaneous petitions.

4. The facts, which are necessary for disposing the modification petition in W.M.P.No.11359 of 2023 in W.P.No.10337 of 2020, are as follows:



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i) Totally there are 6 Writ Petitions. Though they seem to be similar, they were filed by 2 separate entities, namely, Eagle Earth Movers and Eagle Earth Movers Private Limited.

ii) W.P.Nos.10294, 10350 and 10370 of 2020 were filed by Eagle Earth Movers;

iii) W.P.Nos.10337,10338 and 10361 of 2020 were filed by Eagle Earth Movers Private Limited;

iv) This Court on 09.02.2023 disposed of 3 Writ Petitions filed by Eagle Earth Movers and adjourned the 3 Writ Petitions filed by Eagle Earth Movers Private Limited to 10.03.2023 for final hearing;

v) Inadvertently due to similarity in the name of the entities, W.P.No.10337 of 2020 filed by Eagle Earth Movers Private Limited was wrongly included along with the Writ Petitions filed by Eagle Earth Movers i.e W.P.Nos.10294 and 10350 of 2020, which were ordered by this Court.

vi) In the same way, W.P.No.10370 of 2020 filed by the Eagle Earth Movers was inadvertently adjourned along with W.P.Nos.10338 and 10361 of 2020.



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5. Now, modifications sought for by the learned counsel for the petitioner are as follows:

i) W.P.No.10337 of 2020 should be separated from the order dated 09.02.2023 and the same may be adjourned along with W.P.Nos.10338 and 10361 of 2020.

ii) W.P.No.10370 of 2020 is concerned, no modification can be done and therefore, the said Writ Petition may be heard separately and orders may be passed.

6. In view of the above, this Court issues the following directions to the Registry:

i) In the order dated 09.02.2023, delete W.P.No.10337 of 2020 in the cause title portion, prayer portion, 4th line in paragraph No.15; delete the date of the impugned order i.e 09.12.2019 from 8th line in paragraph No.3(a), 7th line in 3(c), 5th line in paragraph No.7 and 1st line in 15th paragraph.



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ii) After making the above corrections, issue fresh order copy to the learned counsel for the petitioner free of cost.

iii) W.P.No.10337 of 2020 shall be posted along with W.P.Nos.10338 and 10361 of 2020 for hearing.

7. As regards W.P.No.10370 of 2020, the same was inadvertently adjourned along with W.P.Nos.10338 and 10361 of 2020 and the learned counsel for the petitioner is at liberty to bring forth the said fact to the notice of the Court while it is taken up for hearing.

8. In fine,

i) W.M.P.No.11359 of 2023 is ordered with the above said directions;

ii) In view of the submission made by the learned counsel for the petitioner, W.M.P.Nos.11349 and 11363 of 2023 are dismissed as not pressed.

19.04.2023

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ABDUL QUDDHOSE, J.

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