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C.M.P.No.18091 of 2022 in OSA No.269 of 2020

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in
OSA.No.269 of 2020

THE HON'BLE ACTING CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

(Order of the Court was made by the Hon'ble Acting Chief Justice)

This petition has been filed by the petitioners to grant further extension of time for a period of four weeks to comply with the order dated 24.8.2022 (correct date of order is 22.8.2022) passed in C.M.P.No.12340 of 2022 in O.S.A.No.269 of 2020.

2. On 22.8.2022, this Court passed the following order in C.M.P.No.12340 of 2022 in O.S.A.No.269 of 2020:

"There shall be an order of interim stay on condition that the petitioners-appellants depositing 50% of the award amount together with accrued interest and costs to the credit of O.P.No.293 of 2011 on the file of this Court, within a period of six weeks from the date of receipt of a copy of this order, failing which, interim stay granted shall stand vacated automatically without any reference to this Court.



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2. *On such deposit being made by the petitioners-appellants, the Registrar General of this Court is directed to deposit the said amount in a Fixed Deposit in Indian Overseas Bank, Anna Nagar East Branch, Chennai-600 102, in reinvestment scheme, initially for a period of two years.*

3. *Notice to the respondents returnable in eight weeks."*

3. Learned Government Advocate for the petitioners submitted that fund proposal was submitted to the Principal Secretary, Highways and Minor Port Department, Chennai on 23.9.2022 and the said proposal was under circulation. Therefore, the order dated 22.8.2022 passed by this Court could not be complied with in time and now even the demand draft is ready and if time is extended, they will comply with the conditional order.

4. On a perusal of the records, it is seen that the conditional order was passed on 22.8.2022 and the petitioners applied for copies of the order on 5.9.2022 and obtained the certified copy on



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6.9.2022. In the affidavit filed in support of the petition, it has been stated that proposal was sent to the Principal Secretary, Highways and Minor Port Department by the Chief Engineer, National Highways, Chennai, on 23.9.2022. Though the petitioners have obtained certified copy of the order on 6.9.2022, they have not shown any immediate interest in sending the proposal to the authority concerned for compliance of the order and this petition has been filed on 17.10.2022, one day before the expiry of the six weeks' period granted in the said order. That apart, the petitioners, being a Government Department, they ought to have complied with the direction of this Court well within the time stipulated by this Court in the order dated 22.8.2022.

5. Since the petitioners have not shown any keen interest in complying with the direction of this Court dated 22.8.2022 passed in C.M.P.No.12340 of 2022, there is no justification in extending the time period any further as prayed for by the petitioners.



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6. Accordingly, C.M.P.No.18091 of 2022 is dismissed.

(T.R., ACJ.) (D.B.C.,J.)
11.01.2023

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