



W.A.(MD)No.418 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD)No.418 of 2013
and M.P.(MD)Nos.1 to 3 of 2013

The Manager,
Leitner Shiram Manufacturing Ltd.,
Thiyagarajanagar,
Tirunelveli.

... Appellant

Vs.

- 1.A.Esakki Mudaliyar
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Superintendent Engineer,
Wind Farm Project,
Tirunelveli.
- 4.The Inspector of Police,
V.K. Pudhur,
Tirunelveli District.
- 5.The Manager,
RPP Infra Projects Ltd.,
P&L Tower, 3rd Floor,
No.140, Perundurai Road,
Erode – 638 011.

...Respondents



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PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 15.04.2013 made in W.P.(MD)No.3189 of 2013 on the file of this Court.

For Appellant : Mr.S.Anwar Sameem
For 1st Respondent : Mr.A.Sivaji
For Respondents 2 to 4 : Mr.B.Saravanan
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by ***R.SURESH KUMAR, J.***)

This Writ Appeal has been directed against the order passed by the Writ Court dated 15.04.2013 made in W.P.(MD)No.3189 of 2013.

2. When this appeal is taken up for hearing, Mr.S.Anwar Sameem, learned counsel appearing for the appellant, has submitted that the very appellant Company itself has become bankrupt, against whom action has already been initiated under the Bankruptcy Code, 2016. Therefore, the Company, represented by its Manager cannot proceed in this regard any further. The said submission is recorded.



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3. It is also to be noted that, at the time of admission of this Writ Appeal, a Division Bench of this Court by order dated 08.05.2013, directed the appellant to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) before the Registrar (Administration) of this Court, who in turn shall keep the same in deposit in the Indian Bank Branch attached to this Court and thereafter, on such receipt of deposit being produced before the Electricity Board, the electricity connection shall be restored.

4. Therefore, pursuant to the said order, it is claimed by the learned counsel for the appellant that, a sum of Rs.3,00,000/- (Rupees Three Lakhs only) has been deposited.

5. Now, the learned counsel appearing for the first respondent, who is the land owner, in whose land, admittedly as per the report of the Revenue Divisional Officer, one pole has been erected through which only the service connection was directed to be restored, which was subsequently restored and the appellant also enjoyed the service connection atleast for some time, therefore, the said amount of Rs.3,00,000/- with accrued interest shall be treated only as a compensation to the loss sustained by the first



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respondent because of the one pole erected at the behest of the appellant at the land belongs to the first respondent. Therefore, he is entitled to withdraw the said amount of Rs.3,00,000/- with accrued interest.

6. In that view of the matter, there shall be a direction to the Registrar (Administration) of this Bench to take necessary steps so as to enable the first respondent herein to withdraw the said amount of Rs.3,00,000/- (Rupees Three Lakhs only) with accrued interest and it shall be withdrawn and paid to the first respondent. The same shall be complied within a period of six weeks from the date of receipt of a copy of this order.

7. With these directions, this Writ Appeal is disposed of. However, there shall be no order as to cost. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.) & (K.K.R.K, J.)

27.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
SJ



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