



WEB COPY



W.A.No.2940 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Writ Appeal No.2940 of 2021
and
CMP.No.19933 of 2021

M/s.Sai Krishna Alloys,
Post Box No.750, 262/IB-3,
Manjakkalpatty Village,
Akkempet Post,
Sankari - 637 301.
Represented by its Partner,
N.Anbalagan.

... Appellant

Vs.

The Superintending Engineer (Metro),
Tamil Nadu Electricity Board,
Coimbatore Electricity Distribution Circle,
Coimbatore.

... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed in W.P.No.32341 of 2003 dated 31.12.2019.

For Appellant
For Respondent

: Mr.A.S.Balaji
: Mr.P.Wilson
Senior Counsel
for Mr.I.Syed Sibghatulla
Standing Counsel for TANGEDCO



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J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

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The present intra-court appeal has been instituted against the judgment dated 31.12.2019 passed in W.P.No.32341 of 2003.

2. Mr.P.Wilson, learned Senior Counsel appearing on behalf of the respondent would submit that the writ petition has been instituted challenging the enquiry notice dated 28.10.2003 and no writ against such enquiry notices are entertainable. The writ court elaborately considered the issues on merits and issued directions to complete the enquiry by affording opportunity to the appellant. At the stage of enquiry, multiple writ petitions were instituted, in order to prolong the litigation and to escape from the clutches of proceedings. Such ill motives of the litigants at no circumstances be encouraged by the courts. Once an enquiry notice has been issued by the competent Authority, the addressee is expected to participate and defend his case by availing the opportunities to be provided and by following due process.

3. No writ against show cause notice or enquiry notice is entertainable, unless such notice is tainted with the allegations of malafides or



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issued by an incompetent Authority having no jurisdiction. However, the writ court has elaborately considered the merits. After adjudication of issues, made a finding and issued directions to complete the enquiry in all respects by affording opportunity.

4. Mr.P.Wilson, learned Senior Counsel would submit that pursuant to the order passed in writ petition, which is impugned in the present writ appeal, the competent Authorities have concluded the enquiry proceedings and passed an order of assessment in Letter No.SE/MEDC/MTR/AEE/DEV/AE/T/F.DOC/D.No.343/22-23 dated 12.04.2023. The said order of assessment had already been communicated to the appellant/company, which was acknowledged by them.

5. That being the factum, the cause arosed for the purpose of filing of the present writ appeal becomes vanished and thus, no further adjudication needs to be undertaken.

6. With the above observations, the Writ Appeal stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.



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[S.M.S.,J.] [C.K.,J.]
07.06.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

The Superintending Engineer (Metro),
Tamil Nadu Electricity Board,
Coimbatore Electricity Distribution Circle,
Coimbatore.

S.M.SUBRAMANIAM,J.
AND
C.KUMARAPPAN,J.

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