



W.P.(MD).No.5327 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.5327 of 2017

1.M.Vasudevan (Died)

2.V.Indiradevi

3.D.Girija Muthu

4.V.Muthu Giritharan

5.V.Gajendran

...Petitioners

(P-2 to P-5 are substituted vide order dated 28.11.2024 in W.M.P.(MD)No.18757 of 2024 in W.P.(MD)No.5327 of 2017)

Vs

1.The Superintendent Engineer,
Madurai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Limited,
K.Pudur,
Madurai – 625 007.

2.The Executive Engineer (Distribution),
The Generation and Distribution Corporation Limited,
East Division,
Thiruppalai,
Madurai – 625 014.



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3.The Assistant Engineer (Distribution),
The Generation and Distribution Corporation Limited,
Alagarkovil,
Madurai – 625 301.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondents to refund a sum of Rs. 63,200/- (Rupees sixty three thousand and two hundred only) deposited by the petitioner with the respondents in compliance with the conditional order dated 24/12/1998 passed in I.A.No.534 of 1998 in O.S.No.975 of 1998 on the file of the second Additional Subordinate Court, Madurai.

For Petitioners : Mr.J.Barathan

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

Heard Mr.J.Barathan, learned counsel for the petitioner and Mr.S.Deenadhayalan, learned Standing Counsel for the respondents.

2. This Writ Petition has been filed praying for a Mandamus, directing the respondents to refund a sum of Rs. 63,200/- (Rupees sixty three thousand and two hundred only) deposited by the deceased



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petitioner with the respondents in compliance with the conditional order dated 24/12/1998 passed in I.A.No.534 of 1998 in O.S.No.975 of 1998 on the file of the second Additional Subordinate Court, Madurai.

3. It is an admitted fact that the trial court dismissed the suit. However, the deceased petitioner filed an appeal in A.S. No. 97 of 2005, and by judgment and decree dated 28.11.2005, the appellate court reversed the trial court's findings and decreed the suit in favor of the deceased petitioner. Aggrieved by this decision, the respondents filed S.A.(MD) No. 1151 of 2006, which was also dismissed on 17.03.2014, thereby confirming the order of the first appellate court.

4. In view of the same, any deposit made by the deceased petitioner pursuant to the conditional order passed by this Court is liable to be refunded. Therefore, the respondents are directed to refund the deposited amount to the petitioners. There is no impediment to granting this direction. The learned Standing Counsel for the respondents suggests that certain dues are payable by the deceased petitioner, and after adjusting these dues, the balance amount may be refunded to the petitioners.



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5. Considering the fact that the deceased petitioner deposited a sum of Rs. 63,200/- pursuant to the conditional order passed by the Trial Court and the petitioners herein are entitled to receive the same, and taking into account the respondents' claim that there are outstanding dues payable by the deceased petitioner, the Assistant Engineer/3rd respondent is directed to provide details of the claims against the deceased petitioner and afford the petitioners herein an opportunity to respond to such claims. Thereafter, the third respondent shall take a decision on the claims. The third respondent shall complete this exercise within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of.
There shall be no order as to costs.

28.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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Nsr

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