

(2007) 11 MAD CK 0290

In the Madras High Court

Case No : Writ Appeal No. 3495 of 2003 and W.A.M.P. No. 5643 of 2003

Sree Velmurugan Industries

APPELLANT

Vs

The Superintending Engineer, Pudukottai Electricity, The
Accounts Officer/Revenue, Pudukottai Electricity and The
Special Officer, Thirumeyyam Rural Electric Cooperative
Society

RESPONDENT

Date of Decision : 22-11-2007

Acts Referred:

Citation : (2007) 11 MAD CK 0290

Hon'ble Judges : R. Regupathi, J;P.D. Dinakaran, J

Bench : Division Bench

Advocate : Ar. L. Sundaresan for Al. Ganthimathi, for the Appellant; S.N. Kripanandam, for the Respondent

Judgement

P.D. Dinakaran, J.—The Writ Appeal is directed against the interim order of the learned single Judge, dated 12.09.2003, in W.P.M.P. No. 5065 of 2003 in W.P. No. 4022 of 2003, granting injunction in favour of the appellant/writ petitioner against the proposed disconnection of electricity on condition that the appellant/writ petitioner pays 50% of the amount demanded i.e., Rs. 3,50,000/- out of Rs. 7,00,000/-.

2. While admitting the Appeal, considering the prayer made in the Miscellaneous Petition i.e., WAMP No. 5643 of 2003, the First Bench of this Court, by order dated 05.11.2003, granted injunction on condition the petitioner pays Rs. 2,00,000/-. Concededly, the said condition has been complied with. Therefore, the appellant/writ petitioner has to pay another sum of Rs. 1,50,000/- to seek the benefit of the order, dated 12.09.2003, under Appeal. The order of the learned single Judge, dated 12.09.2003, being a discretionary order, even though it may not be proper for this Court to interfere with the same, taking note of the grievance expressed viz., the appellant is in financial we are inclined to modify the order dated 12.09.2003 to the extent that there shall be an order of

injunction pending writ petition on payment of further sum of Rs. 50,000/- (Rupees fifty thousand only) within a period of four weeks from the date of receipt of a copy of this order.

3. Registry is directed to expedite the hearing of the Writ Petition.

4. Writ Appeal is disposed of accordingly. No costs. Connected Miscellaneous Petition stands closed.