

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 5125 OF 2001

M/S. K.S. CHATHUNNI & CO.

Appellant (s)

VERSUS

STATE OF TAMIL NADU & ORS.

Respondent(s)

(With office report)

WITH Civil Appeal NO. 5126 of 2001

(With Appln.(s) for permission to place addl. documents
on record and with office report)

Date: 24/11/2009 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s) Mr. K.V. Vishwanathan, Sr. adv.
Mrs. Ambujam Kannan, Adv.
Mrs. V. Mohana, Adv.
Mrs. Nidhi R., Adv.
Mr. Anup Kumar, Adv.
Mr. Abhishek K., Adv.
Mr. K.V. Venkataraman, Adv.

Mr. M.N. Krishnamani, Sr. Adv.
Mr. Ranji Thomas, Adv.
Mr. V.N. Raghupathy, Adv.
Mr. M.T. George, Adv.

For Respondent(s) Mr. R. Nedumaran, Adv. (Not Present)

Mr. V. Krishnamurthy, Sr. Adv.
Mr. T. Harish Kumar, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeals are dismissed in terms of the signed
order. No order as to the costs.

However, keeping in view the facts and

circumstances of the case, we direct that the respondents
will not make any recovery from the appellant in both

these appeals under Rule 21(2) of the Tamil Nadu Toddy
and Arrack Shops (Disposal in Auction) Rules, 1981 in
respect of resale of the shops in question.

(Ajay Kr. Jain)
Court Master

(Indu Satija)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 5125 OF 2001

K.S. Chathunni & Co. Appellant
Versus
State of Tamil Nadu & Ors. Respondents

WITH

C.A. NO. 5126/2001

O R D E R

Heard learned counsel for the parties.

Both these appeals involve a common question of law.

Civil Appeal No. 5125/2003 and Civil Appeal No. 5126/2003 have been filed against the judgment and order dated 19.1.2001 and 05.01.2001 respectively of the High Court of Judicature at Madras.

On the facts of the present case, we are not inclined to interfere with the impugned judgments and orders in exercise of our discretionary jurisdiction under Article 136 of the Constitution. Both the appeals are dismissed. No order as to the costs.

However, keeping in view the facts and circumstances of the case, we direct that the respondents will not make any recovery from the appellant in both these appeals under Rule 21(2) of the Tamil Nadu Toddy and Arrack Shops (Disposal in Auction) Rules, 1981 in respect of resale of the shops in question.

.....J.
(MARKANDEY KATJU)

.....J.
(R.M. LODHA)

NEW DELHI;
NOVEMBER 24, 2009