

PETITIONER:
SOUTHERN PETROCHEMICAL INDUSTRIES CORPORATION LTD. & ANR

Vs.

RESPONDENT:
MADRAS REFINERIES LTD. & ORS. ETC.

DATE OF JUDGMENT: 24/10/1997

BENCH:
SUHAS C, SEN, M. JAGANNADHA RAO

ACT:

HEADNOTE:

JUDGMENT:
THE 24TH DAY OF OCTOBER, 1997

Present:

Hon'ble Mr. Justice Suhas C.Sen
Hon'ble Mr. Justice M. Jagannadha Rao

Ashok Desai, Solicitor General, K. Parasaran, Gopal Subramaniam, Soli J. Sorabjee, Ms.N. Chidambaram, K.T.S. Tuslsi, Sr. Advs., K.Ram Kumar, Ms.Asha Nair, A.M. Krishna, C. Balasubramaniam, S.Muralidhar, Ms.Indu Malhotra, Ms.Shruti Pandey, Mahesh Agrawala, E.C. Agrawala, Atul Sharma, G.P. Srivastava, Sinthil, Arvind Datar, P.B. Kak and Vikas Pahwa, Advs. with them for the appearing parties.

O R D E R

The following Judgment of the court was delivered:
WITH

S.L.P. (C) Nos. 136000-13605/97, 13809-13812/97
7 13864-13865/97

These Special Leave Petition are directed against an interim order passed by a Division Bench of the Madras High Court on 18th March, 1997. Earlier, an order was passed on 2nd July, 1996 in which after an elaborate examination of facts and law, certain interim directions were given by the learned Single Judge.

On an application moved by the Union of India, some of the observations in that judgment of the Single Judge in O.A. Nos. 77 and 78 of 1996 in c.s. No.67 of 1996 and O.A. Nos.86 and 87 of 1996 in C.S. No.73 of 1996 were expunged by the Appeal Court on 18th March, 1997.

The Madras Refineries Limited (MRL) preferred an appeal against the order of the Single Judge. The Appeal Court discussed the facts in great depth and thought fit to order a thorough investigation and a detailed probe into transferring of certain lands in favour of a Company which was promoted by Southern Petro Chemical Industries Corporation Limited (SCL). After examination of the facts of the case at great length, the Appeal Court ultimately passed the following order;

"Considering all these aspects and the conduct of the parties, we are convinced that MRL has made out a prima facies case in C.A. No.73 of

1996. It also established that if injunction is not granted as prayed for that would cause also established that the balance of convenience rests in its favour for grant of injunction. However, the prayer of MRL in O.A. No.87 of 1996, i.e. for a temporary mandatory injunction, directing the 7th respondent to hand over possession to the 8th respondent of 168.38 acres of suit land, cannot be granted at this stage.

In so far as some of the conditions imposed by the learned single Judge for granting interim injunctions are concerned they cannot be complied with by the parties without the intervention of the court and therefore all the conditions imposed by the learned single Judge are vacated and the Plaintiff in C.S. No.67 of 1996 and in O.A.No.86 of 1996 in C.S.No.73 of 1996, without imposing and conditions, pending disposal of the abovesaid two suits. Interim temporary mandatory injunction asked for by the plaintiff in O.A.No.87 of 1996 in C.S.No.73 of 1996 cannot be granted at this stage. Accordingly, the common order passed by the learned single Judge in the aforesaid interlocutory applications stands modified to the abovesaid extent. In the result, O.S.A.Nos. 171 to 13 of 1996 are allowed with costs. O.S.A.No.174 of 1996 is dismissed without costs. O.S.A.Nos. 190 to 193 of 1996 also stand dismissed with costs."

This Court does not usually entertain appeals from interim orders passed by the High Courts. This case has been argued before us at great length. We, however, see no reason to interfere with the interim order passed by the Appeal Court. We also refrain from discussing the facts and the various arguments advanced at great length by both the parties in detail because any expression of opinion on our part on any of the issues of fact or law may prejudice the final hearing of the case.

We are of the view no interference with the interim order passed by the Appeal court is called for. The Special Leave Petitions are dismissed. There will be no order as to costs.

IN THE MATTER OF :