

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 875 of 2015 (H)

PETITIONERS:

1. SUNNY KURUVILLA, AGED 48 YEARS,
S/O.K.P.KURUVILLA, "KIRAN",
PIPELINE ROAD, THRISSUR-5.
2. LIJI SUNNY, AGED 41 YEARS,
W/O.SUNNY KURUVILLA, "KIRAN",
PIPELINE ROAD, THRISSUR-5.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

1. CORPORATION OF COCHIN
REP. BY ITS COMMISSIONER, ERNAKULAM
COCHIN-682 001.
2. M/S.RIPPLES CONSULTANCY PVT.LTD.,
REGISTERED OFFICE, TMNC/5/107,
PALAKKAD ROAD, KIZHAKKUMPATTUKARA
JUNCTION, EAST FORT POST, TRISSUR-680 005.
3. MR.YUGESH XAVIER,CHAIRMAN & MANAGING
DIRECTOR, INDIAN WINGS HOLIDAYS,
SKY DESTINATION MANAGEMENT CO. PVT.LTD.,
37/1958, 1ST FLOOR, KALOOR-KADAVANTHARA
ROAD, COCHIN-682 017.

R1 BY SRI.V.E.ABDUL GAFOOR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-02-2015 ALONG WITH WOC 1571/2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

APPENDIX IN WP(C).No. 875 of 2015 (H)

PETITIONER'S EXHIBITS:

EXT. P1- TRUE COPY OF THE LAWYER NOTICE DATED 10.11.2014 ISSUED TO THE 1ST RESPONDENT.

EXT. P2- TRUE COPY OF THE NOTICE 3 NO.MOH12/PIO/20857/14 DATED 08.08.2014 ISSUED BY THE 1ST RESPONDENT ALONG WITH ENGLISH TRANSLATION.

EXT. P3- TRUE COPY OF THE ORDER DATED 17.11.2014 PASSED BY THIS HONOURABLE COURT IN B.A.NO.6756 OF 2014.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)Nos.875 and 1571 of 2015

Dated this the 2nd day of February, 2015

JUDGMENT

The learned counsel for the petitioner in W.P.(C)No. 1571/2015 has sought leave of this Court to withdraw the writ petition. The learned counsel for the additional sixth respondent has submitted that though the sixth respondent, said to be the true owner of the property, does not have any objection to the petitioner withdrawing the writ petition, he insists that there shall be an observation from the Court that the petitioner, in terms of an agreement entered into between respondents 4 and 5, the petitioner's immediate landlords and the petitioner himself, has handed over the possession of the building and that no cause of action concerning the said building survives in so far as the petitioner is concerned.

2. It is made clear that the petitioner has come before this Court with a specific grievance. Perhaps owing to the subsequent developments, he has felt it advisable to withdraw the writ petition without seeking leave to preserve the cause of action. In other words, with the dismissal of the writ petition as withdrawn, whatever cause of action is there in favour of the petitioner perishes. In so far as the tenancy dispute or resolution thereof is concerned, it is not within the purview of the writ petition. Making that clear W.P.(C)No.1571/2015 is dismissed as withdrawn.

Consequently, W.P(C)No.875/2015 is closed as having not survived for further consideration.

Dama Seshadri Naidu, Judge

tkv