

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17653 of 2016

And

W.M.P.Nos.15341 and 15342 of 2016

R.Sakunthala

Proprietrix,

M/S.Raj Muhil Amusement & Entertainment,

No.36-E, Seiyathu Complex,

Sourth Main Street,

Vedaranyam - 614810

.... Petitioner

Vs.

- 1 The State of Tamil Nadu
Rep. by the Secretary to Government
Tamil Development and Information
(Exhibition) Department,
Fort St. George,
Chennai - 600 009.
- 2 The District Collector
Thiruvallore
Thiruvallore District.
- 3 The Inspector of Police,
Ambattur Police Station
Ambattur,
Chennai - 600 053.
- 4 All India Sports Players Welfare Association
rep. by its General Secretary
J.Moses David Raj.
- 5 Dunlop India Limited
512 CTH Road Ambattur,
Chennai - 600 053.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent pertaining to Letter No.6095/E.S/2016 dated 05.05.2016 and quash the same and

consequently direct the 1st respondent to pass a fresh order allowing the petitioner to run the exhibition for the remaining days.

For Petitioner : Mr.M.Gnanasekar

For Respondents: Mr.R.A.S.Senthilvel

Additional Government Pleader for R1
to R3

Mr.Pugazhvendan for R4
for M/s.Sudha Ramalingam
No Appearance for R5

O R D E R

The facts leading to the filing of this writ petition have been narrated in detail and in extenso in the interim order dated 07.05.2016, made in W.P.No.17653 of 2016 and W.M.P.Nos.15341 and 15342 of 2016 and therefore, it is not necessary to re-state the facts once again.

2.The grievance expressed by the fourth respondent is that despite the undertaking given by the petitioner that she will remove all the play and entertainment equipments used for the purpose of exhibition and vacate and hand over vacant possession of the land in question to the fifth respondent on or before 31.05.2016, she did not do so.

3.This Court has taken note of the said fact and directed the petitioner to remain present before this Court along with the affidavit of compliance of the interim order dated 07.05.2016, with further direction, directing the Registrar (Judicial), High Court to take custody of the original Demand Draft bearing no.536792 dated 10.05.2015, for a sum of Rs.2,00,000/- favouring the Official Liquidator, Calcutta High Court in safe custody.

4.The matter was listed on 22.06.2016 and it was represented by the learned counsel appearing for the petitioner that the petitioner has fully complied with the conditional order passed by this Court by vacating the premises on 31.05.2016 and however, it was disputed by the learned counsel appearing for the fourth respondent by producing some photographs which showed some dismantled temporary structures is yet to be removed and wastages are also thrown around the said place. Therefore, this Court has directed the listing of the matter on 29.06.2016 and since there was no representation on behalf of the fourth respondent on 29.06.2016, this Court directed the listing of the matter on 12.07.2016 and accordingly, it is listed today.

5.Today, when the matter is taken up for hearing, it is represented that whatever things thrown in the playground belongs to the fifth respondent and they have been completely removed and the said fact is also not seriously disputed by the learned counsel appearing for the fourth respondent. It is also the submission of the learned counsel appearing for the fourth respondent that the land in question originally belonged to the fifth respondent and it was used as a playground and it should be continued to be used only for that purpose and not for any other purpose.

6.The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the petitioner was permitted to conduct an event and since she has vacated and handed over the possession, the official respondents have nothing to say.

7.In the light of the above said development, this Court is of the considered view that nothing survives for further adjudication in this writ petition and therefore, the writ petition is closed. No costs. Consequently, connected miscellaneous petitions are also closed.

8.The Registrar (Judicial), High Court of Madras is directed to send/ forward the original Demand Draft bearing no.536792 dated 10.05.2015, drawn in the State Bank of India, Anna Nagar (West), Chennai for a sum of Rs.2,00,000/- favouring the Official Liquidator, Calcutta High Court to the said Official under due and proper acknowledgement. The fourth respondent is also at liberty to approach the Official Liquidator, Calcutta High Court for appropriate remedy.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

- 1 The Secretary to Government
Tamil Development and Information
(Exhibition) Department,
Fort St. George,
Chennai - 600 009.

2 The District Collector
Thiruvallore
Thiruvallore District.

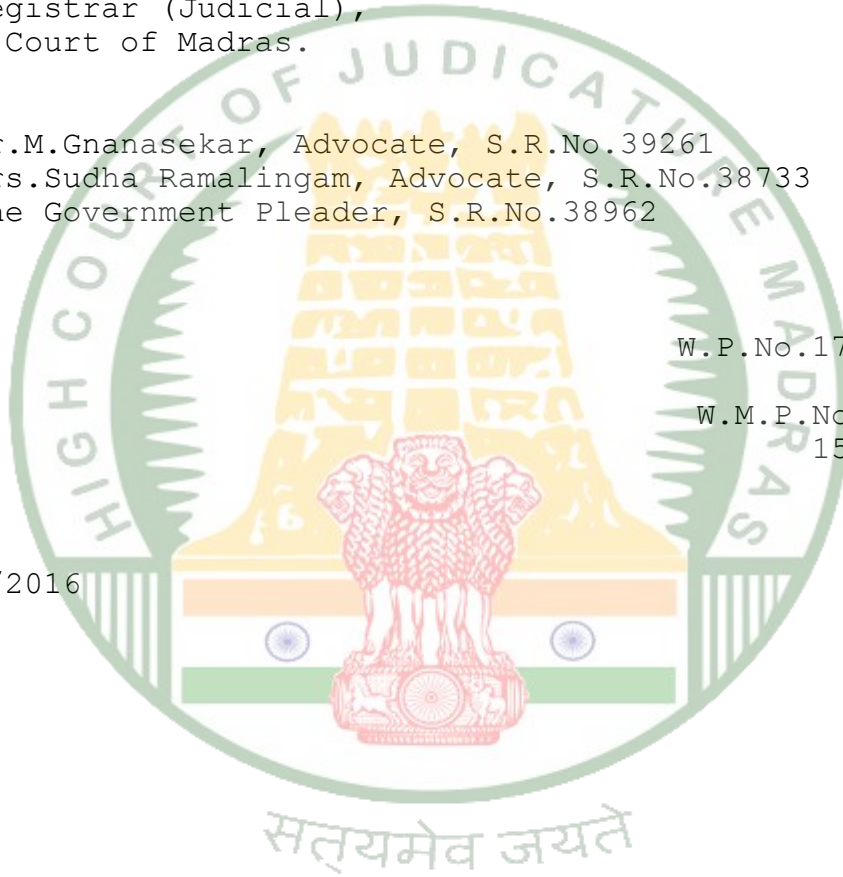
3 The Inspector of Police,
Ambattur Police Station
Ambattur,
Chennai - 600 053.

4 The Registrar (Judicial),
High Court of Madras.

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.39261
+1cc to Mrs.Sudha Ramalingam, Advocate, S.R.No.38733
+1cc to the Government Pleader, S.R.No.38962

W.P.No.17653 of 2016
And
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