

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

WRIT APPEAL No.1262 of 2016

JUDGMENT: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

An affidavit is filed by the Manager (Operations) of the Appellant Company undertaking to vacate and handover vacant possession of the site, besides Imax theatre, within a period of four weeks from today without prejudice to their right to approach the appropriate forum in respect of the site opposite Sanjeevaiah Park.

When the matter was heard in the forenoon, learned Advocate General, on instructions from the officials concerned, stated that certain amounts were due from the appellant to the respondents. The matter was passed over and, in the afternoon, an affidavit of the Officer on special duty of the 2nd respondent is filed stating that a sum of Rs.26,78,703/- is due and payable by the appellant to the 2nd respondent; Rs.13,72,500/- was paid by the appellant towards security deposit; and, after adjusting the said amount, the appellant was due an amount of Rs.13,06,203/- in addition to the licence fee payable for the month of November, 2016.

While Sri S.Ravi, learned Senior Counsel, initially sought time till Saturday to remove all the cars from the subject premises, the learned Advocate General submitted that any such request should only be considered if the appellant is directed to pay at least the dues for the month of November, 2016. Expressing inability to obtain instructions from the appellant as the Managing Director of the appellant was not in station, Sri S.Ravi, learned Senior Counsel, seeks permission of this Court, instead, to withdraw the Writ Appeal.

While making it clear that we have not expressed any opinion on merits, and this order shall not preclude the respondents from taking such action as is available to them in law for recovery of the dues from the appellant, the Writ Appeal is dismissed as withdrawn.

The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

Date:24.11.2016
v v

