

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2017

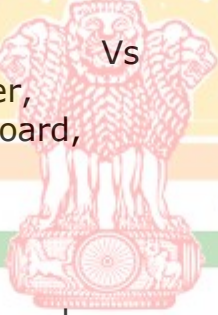
CORAM

**THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HON'BLE MR.JUSTICE N.SESHASAYEE**

W.P. Nos.14596 to 14598 of 2017
and 11135 and 11136 of 2017
and W.M.P.Nos.15817 to 15823 and 12069 to 12074 of 2017

- | | |
|--------------------------|---------------------------------------|
| 1. T.Ganesan | .. Petitioner in W.P.No.14596 of 2017 |
| 2. S.Palanimuthu @ Balan | .. Petitioner in W.P.No.14597 of 2017 |
| 3. Smt.Thamayanthi | .. Petitioner in W.P.No.14598 of 2017 |
| 4. Smt.Ganthimathi | .. Petitioner in W.P.No.11135 of 2017 |
| 5. Mohammed Ali | .. Petitioner in W.P.No.11136 of 2017 |

Vs

- | | |
|--|---|
| 1. The Chief Executive Officer,
Wellington Cantonment Board,
Ministry of Defence,
Government of India,
Wellington - 643 232. |  |
| 2. Estates Officer,
Wellington Cantonment Board,
Wellington - 643 232. | |
| 3. The District Collector, Nilgiris District. | |
| 4. The Tahsildhar, Coonoor Taluk,
Nilgiris District. | |
| .. Respondents in all W.Ps | |

Prayer for W.P.No.14596 of 2017:- Petition filed Under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records in UAC/81/Engg, dated 30.12.2016 on the filed of the 1st respondent and quash the same as illegal and without jurisdiction.

Prayer for W.P.No.14597 of 2017:- Petition filed Under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records in UAC/83/Engg dated 30.12.2016 on the file of the 1st respondent and quash the same as illegal and without jurisdiction.

Prayer for W.P.No.14598 of 2017:- Petition filed Under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing respondents 1 & 2 from evicting or interfering with the petitioner's business except the due process of law from GLRS.No.463 (part), measuring to an extent of 150 Sq.ft within Coonoor Rural limits, The Nilgiris.

Prayer for W.P.No.11135 of 2017:- Petition filed Under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records in Encroachment/144/Engg dated 10.08.2015 on the file of the 2nd respondent and quash the same as illegal and without jurisdiction.

Prayer for W.P.No.11136 of 2017:- Petition filed Under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records in Encroachment/252/Engg dated 27.12.2016 on the file of the 1st respondent and quash the same as illegal and without jurisdiction.

For Petitioner in all W.Ps.	: Mr. J.Bharathiraja
For R1 and R2 in all W.Ps	: Mr.M.Vijayan, for, M/s.King and Patridge
For R3 and R4 in all W.Ps.	: Mr. A.N.Thambidurai Spl. Government Pleader

- - -

COMMON ORDER

(Order of the court was made by M.Sathyanarayanan, J.,)

After some arguments, Mr.J.Bharathiraja, learned counsel appearing for the petitioners, in all the above petitions, seeks permission of this Court to withdraw the writ petitions, with liberty to workout the further remedy in accordance with law.

2. The Court heard the submissions of Mr.M.Vijayan, learned counsel appearing for respondents 1 and 2 and would submit that the lands-in-question vest with the Wellington Cantonment Board and the Estate Officer has passed the order under the provisions of the Public Premises (Eviction of Un-authorised Occupants) Act, 1971, as early as on 10.08.2015; the petitioners did not make any challenge to the said order, by filing an appeal, within time, and as such, liberty may not be granted to the Writ Petitioners.

3. If the petitioners so advised, it is open to them under law and are at liberty to workout their further remedy, against the orders passed under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

4. Hence, the Writ petitions are dismissed as withdrawn, subject to above observation. No costs. Consequently, the connected WMPs are closed.

kv

(MSNJ) & (NSSJ)
10.08.2017



WEB COPY

To

1. The Chief Executive Officer,
Wellington Cantonment Board,
Ministry of Defence,
Government of India,
Wellington - 643 232.
2. The Estates Officer,
Wellington Cantonment Board,
Wellington - 643 232.
3. The District Collector,
Nilgiris District.
4. The Tahsildhar,
Coonoor Taluk,
Nilgiris District.

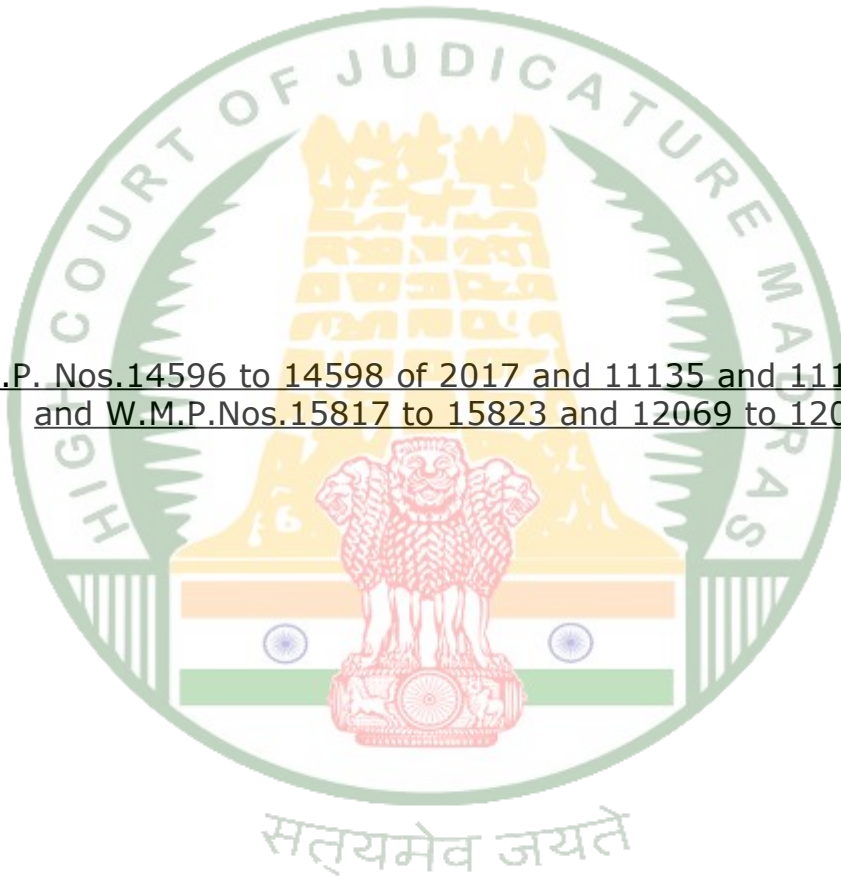


WEB COPY

M.SATHYANARAYANAN, J.,
and
N.SESHASAYEE, J.,

kv

W.P. Nos.14596 to 14598 of 2017 and 11135 and 11136 of 2017
and W.M.P.Nos.15817 to 15823 and 12069 to 12074 of 2017



WEB COPY

10.08.2017