

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.A.No.859/2013& MP.No.1/2013

A.Gopalakrishnan

... Petitioner

vs

1. The Commissioner
Coimbatore Corporation
Coimbatore.

2. Mrs.J.Chitra

... Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent against the order passed in WP.No.8286/2013 dated 02.04.2013.

WP.No.8286/2013:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to direct the 2nd respondent not to construct the 1st floor of the building bearing Door No.31-32 S.N.R. Street Sidhapudur Coimbatore until proper approval from the 1st respondent.

For Appellant : Mr.C.Deivasigamani
For R1 : Mr.J.Sathya Narayana Prasad
For R2 : Mr.R.Bharat Kumar

JUDGMENT

[Judgment of the Court was delivered by
M.SATHYANARAYANAN, J.]

The appellant is the writ petitioner and he filed WP.No.8286/2013 praying for issuance of a writ of mandamus, directing the 1st respondent herein to forbear the 2nd respondent - owner of the premises in which the writ petitioner / appellant is the tenant, from putting up construction on the first floor and the learned Single Judge, having taken note of the strange prayer and other facts and circumstances, found that the writ petition lacks merit and accordingly, dismissed the same vide

impugned order dated 02.04.2013 and challenging the legality of the same, the writ petitioner had filed the present writ appeal and notice of motion was ordered on 23.04.2013.

2 When the matter was listed on 31.10.2017, it was represented that the appellant/writ petitioner had vacated from the premises in question and since the learned counsel for the appellant was absent, the matter was directed to be listed under the caption "for dismissal" on 02.11.2017.

3 Today, when the matter is called, the learned counsel for the appellant / writ petitioner would submit that the appellant / writ petitioner had vacated from the premises owned by the 2nd respondent / landlady and therefore, nothing survives for adjudication in this writ appeal.

4 The learned Standing counsel appearing for the 1st respondent would submit that the 2nd respondent has also got building license and has put the construction strictly in accordance with the planning permission.

5 The Court heard the submission of the learned counsel appearing for the 2nd respondent, who would submit that the construction put up by the 2nd respondent is in accordance with the sanctioned plan/permission and since the appellant/writ petitioner has vacated from the premises, no further orders are necessary.

6 In the light of the above said development, nothing survives for adjudication on merits in this writ appeal. Accordingly, the writ appeal is dismissed. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

AP

To
The Commissioner
Coimbatore Corporation, Coimbatore.

+lcc to Mr.J.Sathya Narayana Prasad, Advocate in sr.77847

WA.No.859/2013

AD(CO)
CS/04/12/17