

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.2251 of 2018
and
C.M.P.No.17953 of 2018

Liyakath Ali

... Appellant

versus

1.The Commissioner,
Coonoor Municipality,
Coonoor.

2.The Revenue Officer,
Coonoor Municipality,
Coonoor.

... Respondents

PRAYER: Appeal filed against the order passed by this Court dated 12.09.2018 made in W.P.No.24052 of 2018.

W.P.No.24052 of 2018:

Writ Petition praying to Writ of certiorarified Mandamus or any other writ, order or direction Calling for the records and quashing the notice issued by the 1st respondent in Na.Ka. No.3704/2003/A4 dated 29.08.2018 and to forbear the respondents from taking any steps to evict the petitioner from the leased premises situated in Door No.10199 New Building Municipal Bus Stand Coonoor-643 102.

For Appellant : Mr.T.S.Sundaram

For Respondents : Mr.P.Srinivas, Standing Counsel

J U D G M E N T
(Order of the Court made by R.SUBRAMANIAN,J.)

Aggrieved by the dismissal of the writ petition in WP.No.24052 of 2018 by the learned Single Judge, the petitioner is on appeal.

2. The prayer in the writ petition was as follows:-

"To issue a writ in the nature of Certiorarified Mandamus calling for the records and quashing the notice issued by the 1st respondent in Na.Ka.No.3704/2003/A4 dated 29.08.2018 and to forbear the respondents from taking any steps to evict the petitioner from the leased premises situated in Door No.10199, New Building, Municipal Bus Stand, Coonoor - 643 102. "

3. We have heard Mr.T.S.Sundaram, learned counsel appearing for the appellant and Mr.P.Srinivas, learned Standing counsel for the respondents 1 and 2.

4. Admittedly, the lease period expired on 31.03.1992 and the appellant had successfully retained possession of the property belonging to the Municipality for over 26 years. His suit challenging the eviction proceedings was dismissed by the trial Court and the said dismissal was confirmed by this Court in Second Appeal as early as on 14.11.2011. Despite the same, the appellant had managed to retain possession of the property and run a business therein.

5. Mr.T.S.Sundaram, learned counsel appearing for the appellant would submit that the appellant had vacated the premises and handed over possession to the Municipality after filing of the above Writ Appeal.

6. Hence, we find no reason to interfere with the order of the learned Single Judge and the Writ Appeal is dismissed. However, taking into account the fact that the appellant has surrendered possession, we make no order as to costs in this appeal.

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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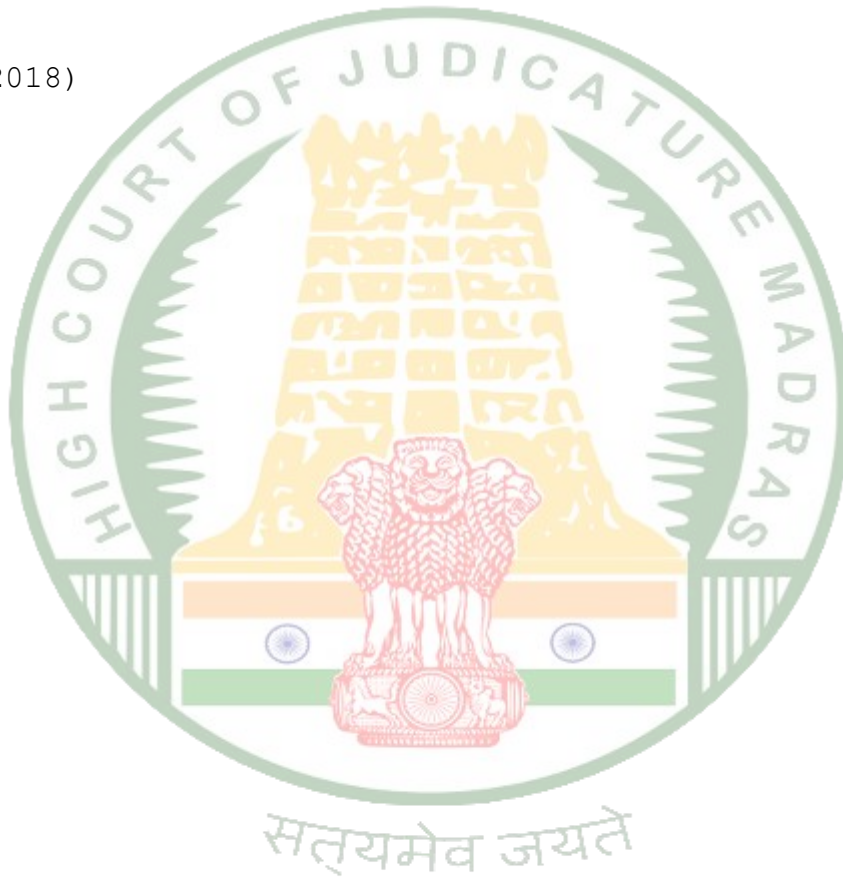
1.The Commissioner,
Coonoor Municipality,
Coonoor.

2.The Revenue Officer,
Coonoor Municipality,
Coonoor.

+1 CC to Mr.Karthick Ranganathan, Advocate sr 73551

W.A.No.2251 of 2018

MG (CO)
SP (28/11/2018)



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