

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI

Writ Appeal No.867 of 2018

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

Elaborate arguments were put forth by Sri R. Raghunandan, learned Senior Counsel appearing for the appellant, and Sri B. Narasimha Sharma, learned Senior Standing Counsel appearing on behalf of respondents 2 to 4.

When we pointed out that the appellant has the remedy of an appeal against the order passed by the Estate Officer under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as "the Act"), Sri R. Raghunandan, learned Senior Counsel appearing for the appellant, would submit that, since the respondents were about to throw all belongings of the appellant out of the premises, they had perforce to invoke the jurisdiction of this Court, as any delay in invoking the appellate remedy under the Act may well result in irretrievable injury being caused to the appellant.

Sri B. Narasimha Sharma, learned Senior Standing Counsel, would submit that the subject premises have been sealed on 27.6.2018; and the respondents would maintain status-quo as on today for a period of three weeks.

In the light of the submission of Sri B. Narasimha Sharma, learned Senior Standing Counsel for the respondents, we see no reason to entertain this appeal since the appellant has an effective alternate remedy of an appeal under Section 9 of the Act.

The Writ Appeal is dismissed leaving it open to the appellant to avail the appellate remedy under Section 9 of the Act. Suffice it to make it clear that, on the appellate remedy being invoked, the Appellate

Authority shall examine the appeal on its merits, uninfluenced either by the order under appeal or the order now passed by us.

Miscellaneous petitions pending, if any, shall also stand dismissed. No costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

29th June, 2018

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