

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P. No.19936 of 2019
and
W.M.P.19453 of 2019

Lt Col D Immaklate Marial ... Petitioner

-Vs-

- 1.The Barrack and Stores Officer,
St. Thomas Mount,
Chennai-600 016.
- 2.The Commandant,
Military Hospital,
Defence Colony Road,
Nandambakkam, Chennai-600 032.
- 3.The Quarter Master,
Military Hospital,
Defence Colony Road,
Nandambakkam, Chennai-600 032.
- 4.The Assistant Engineer,
TANGEDCO,
St. Thomas Mount, Chennai-600 016. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order No.218/1744/Rev/BS dated on 01.07.2019 issued by the First Respondent and quash the same as illegal and subsequently direct the Second Respondent to allow the petitioner to continue the business for remaining four years.

For Petitioner : L.Rajiah

For Respondents : Mr.J.Madhanagopal Rao for R1 to R3
Central Government Standing Counsel
: Mr.S.K. Rameshwar for R4

ORDER

The Writ Petition has been filed for a direction to call for the records pertaining the impugned order No.218/1744/Rev/BS dated on 01.07.2019 issued by the First Respondent and quash the same as illegal and subsequently direct the Second Respondent to allow the petitioner to continue the business for remaining four years.

2. The Second Respondent has filed Counter Affidavit contending that the licence granted to the Petitioner has already expired and the Petitioner has not cleared the dues and electricity charges, and that the Petitioner has an alternative remedy by way of resorting to arbitration in terms of para (8) of the Leave and Licence Agreement entered between the parties. In view of the aforesaid submissions made on behalf of the Respondents, which deserve acceptance, there is no justification to entertain this Writ Petition.

3. Accordingly, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Barrack and Stores Officer,
St. Thomas Mount,
Chennai-600 016.

2.The Commandant,
Military Hospital,
Defence Colony Road,
Nandambakkam, Chennai-600 032.

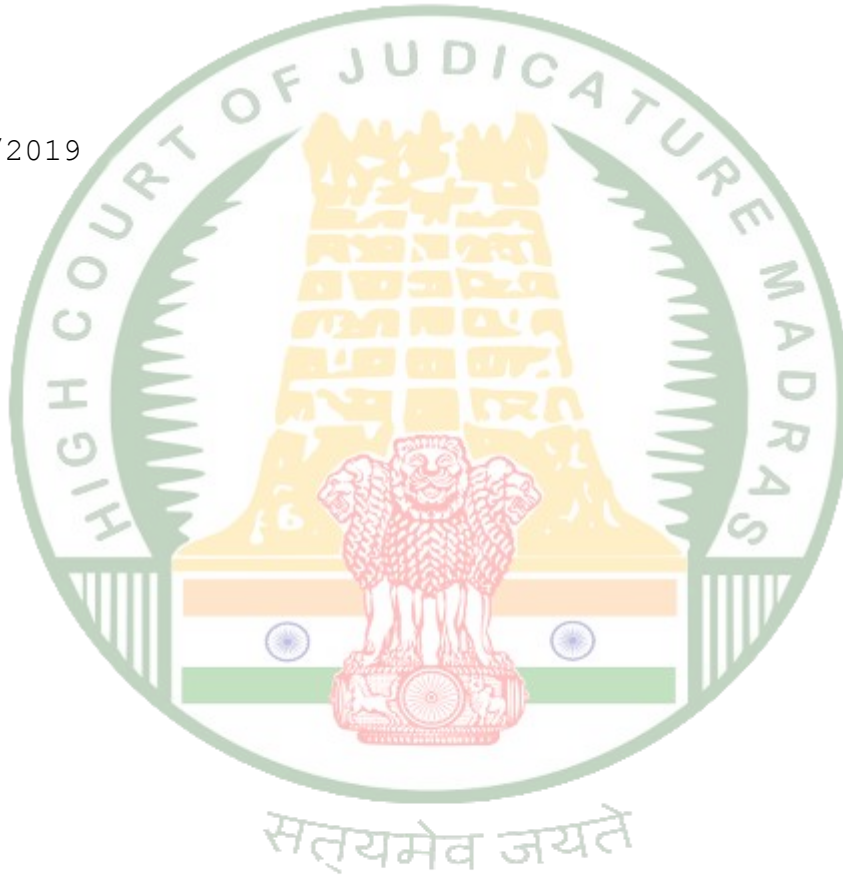
3.The Quarter Master,
Military Hospital,
Defence Colony Road,
Nandambakkam, Chennai-600 032.

4.The Assistant Engineer,
TANGEDCO,
St. Thomas Mount, Chennai-600 016.

+1cc to Mr.L.Rajiah, Advocate Sr.75969
+1cc to Mr.J.Madanagopal Rao, Advocate Sr.74956

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and
W.M.P.19453 of 2019

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srg 13/09/2019



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