

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.22790 of 2013

&

M.P.Nos.1 & 2 of 2013

C.K.Mohamed Ali

... Petitioner

vs

1. The Comptroller,
The Tamil Nadu Agricultural University,
Coimbatore - 641 003.
2. The Superintending Engineer/ Estate Officer,
Tamil Nadu Agricultural University,
Coimbatore - 3.
3. The General Manager,
Coimbatore District Co-Operative Milk
Producers Union Ltd. (AAVIN),
Pachapalayam, Kalampalayam Post,
Coimbatore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus Calling for the records relating to the impugned order dated 2.6.2011 made in Na.Ka No.12054/Sales/2010 passed by the 3rd respondent and the order dated 22.11.2011 made in TNAU/ Aavin Milk Booth/ LD/2011 passed by the 1st respondent and quash the same and consequently direct the respondents to pay compensation of Rs.5.00 lakhs for offending the petitioner fundamental right to carry on lawful business under Article 19(1)(g) and right to life under Article 21 of the Constitution of India for their act of taking forcible possession of the Aavin Milk Booth on 8.8.2013.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr.R.Bala Ramesh

Special Government Pleader

ORDER

This writ petition is heard through Video-Conferencing, on account of the COVID-19 pandemic situation.

2. The prayer sought for in this writ petition is to call for the records relating to the impugned order dated 2.6.2011 made in Na.Ka No.12054/Sales/2010 passed by the 3rd respondent and the order dated 22.11.2011 made in TNAU/ Aavin Milk Booth/LD/2011 passed by the 1st respondent and quash the same and consequently for a direction to the respondents to pay compensation of Rs.5.00 lakhs for offending petitioner's fundamental right to carry on lawful business under Article 19 (1)(g) and right to life under Article 21 of the Constitution of India, for their act of taking forcible possession of the Aavin Milk Booth on 8.8.2013.

3. Heard the learned counsel appearing on both sides and perused the materials available on record.

4. The petitioner was given a licence to install Aavin Milk Booth for the period between 2011 and 2014 and there was some disturbance of evicting him even during the subsistence of the lease. The petitioner had filed a suit in O.S.No.984 of 2011 before the District Munsif Court, Coimbatore and obtained an order of status-quo on 09.06.2011. In the meanwhile, the lease itself was terminated on 22.11.2011.

5. As the interim order of status-quo was not extended in favour of the petitioner, the respondents had taken possession on 08.08.2013. A revision filed by the petitioner, challenging the same, though ended in favour of the petitioner, the same was challenged by the respondents before the Hon'ble Supreme Court. The Hon'ble Supreme Court, had passed an order on 30.11.2018 in Civil Appeal No.11712 of 2018, stating that, as the lease itself had expired in the year 2014, the petitioner cannot have any right. However, it is open to him to pursue the suit that has been filed before the District Munsif Court and work out his remedies.

6. In view of the order passed by the Hon'ble Supreme Court, there is nothing survives in this Writ Petition for further adjudication. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Asr/rsi

To

1. The Comptroller,
The Tamil Nadu Agricultural University,
Coimbatore - 641 003.
2. The Superintending Engineer/ Estate Officer,
Tamil Nadu Agricultural University,
Coimbatore - 3.
3. The General Manager,
Coimbatore District Co-Operative Milk
Producers Union Ltd. (AAVIN),
Pachapalayam, Kalampalayam Post,
Coimbatore District.

+1 CC to Mr.N.Manokaran, Advocate sr 30663.

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&
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GP(CO)
SP(20/10/2020)