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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.NO.19006 OF 2020

John Desuza, S/o.Albert
State Secretary
Eyalaigal Munnetra Kazhagam
No.3/230, Lourdupuram
Wellington Barracks, Coonur
Nilgiris District.

... Petitioner

.Vs.

1. The District Collector,
Nilgiris District,
Uthagamandalam.

2. The Secretary,
Ministry of Defence,
Government of India,
No.17, Akbar Road,
New Delhi - 11.

3. The Chief Executive Officer,
Cantonment Board, Willington City,
Uthagamandalam - 2, Nilgiris District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 5.12.2020 in accordance with law by cancelling the e-auction to be held dated 15.12.2020 on the file of third respondent herein, pursuant to the Notice No.E.Auction/Stalls/Revenue/Wellington/Cantonment dated 9.11.2020 on the file of the third respondent.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.Vijayan
For M/s.King and Partridge
For 3rd respondent



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: Mr.P.Muthukumar
Counsel for the State
For the 1st respondent

: Mr.C.V.Ramachandramurthy
CGSC for the 2nd respondent

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The prayer in the writ petition, brought in public interest, is for a direction on the respondents to consider the representation of the petitioner and cancel the e-auction that was scheduled to be held on December 15, 2020.

2. When the matter was taken up on January 6, 2021, it was submitted by the third respondent Cantonment Board that the e-auction had already been conducted. The third respondent was directed to file an affidavit. Such affidavit has been filed and it is submitted by the third respondent that not only has the e-auction been conducted, possession of the shop rooms has been made over to the successful licensees.

3. When the matter last appeared on February 17, 2021, it was recorded that an useless prayer for adjournment was made on behalf of the petitioner despite it being evident that the petition may have become infructuous. The matter was directed to appear eight weeks hence and costs were reserved.

4. The same meaningless prayer for an adjournment is made on behalf of the petitioner all over again. The challenge was to an auction that has already been conducted. The consequence of conducting the auction was the making over of possession to the successful licensees which, according to the third respondent and his affidavit, has also been completed.

Nothing survives of the petition. W.P.No.19006 of 2020 is dismissed. There will be no order as to costs. Consequently, W.M.P.No.23566 of 2020 is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Nilgiris District,
Uthagamandalam.
2. The Secretary,
Ministry of Defence,
Government of India,
No.17, Akbar Road,
New Delhi - 11.
3. The Chief Executive Officer,
Cantonment Board,
Willington City,
Uthagamandalam - 2,
Nilgiris District.

+1cc to M/s.King and Partridge, Advocate, S.R.No.32265
+1cc to the Government Pleader, S.R.No.32373

W.P.NO.19006 OF 2020

AK-II(CO)
PBS/16/08/2021