



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)NO.1 OF 2015
against
WP(MD)No.7150 of 2009

1.S.Ramachandran(Died),

2.R.Rajakani

3.R.Ramesh Subbaiah

4.R.Suresh Subbaiah

5.R.Ganesh Subbaiah

6.Ramya

(Appellants 2 to 6 are substituted as per order of this Court made in C.M.P(MD)No.9446 of 2018 in W.A(MD)No.1 of 2015, dated 09.11.2018) :Appellants

.vs.

1.Soundarapandi :Ist Respondent/Writ Petitioner

2.The District Collector,
Office of the Collectorate,
Thoothukudi. : IInd Respondent/ Ist Respondent

3.S.Sendur Pandi :3rd Respondent

(3rd Respondent was impleaded as per order of this Court made in C.M.P(MD)No.6103 of 2019 in W.A(MD)No.1of 2015, dated 18.03.2021)

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent Act praying this Court to set aside the order passed by this Court in W.P(MD)No.7150 of 2009, dated 06.02.2014.



Prayer in WP(MD). 7150/ 2009 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus, call for the records relating to the proceedings of the 1st respondent in Na.Ka.C1/92357/2009 dated 20/07/2009 and quash the same and consequently direct the 1st respondent to issue the Form C license to me in respect of Pambaiah Theatre, south athur, Tiruchendur taluk.

For Appellant	:Mr.M.P.Senthil
For Respondent-1	:Mr.J.Barathan
For Respondent-2	:Mr.K.P.Narayanakumar Special Govt.Pleader
For Respondent-3 (newly impleaded on 18.03.2021)	:Mr.S.Vashik Ali

JUDGMENT

[Judgment of the Court was made by **PUSHPA SATHYANARAYANA, J.**]

This Writ Appeal is directed against the order passed by this Court in W.P(MD)No.7150 of 2009, dated 06.02.2014, refusing to grant Form 'C' licence to the Writ Petitioner/first respondent herein by the District Collector, Thoothukudi District/second respondent herein.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.Pending the Writ Appeal, the third respondent, who is newly impleaded, had purchased the property in question from the first respondent and even mutation also effected. Based on the same, the third respondent had applied for Form "C" licence independently and the same was issued in his favour on 03.12.2020. In view of the subsequent development, there is nothing to be decided further in this Writ Appeal.



4. Accordingly, the Writ Appeal is dismissed as infructuous. It is open to the Writ Appellant to challenge the issuance of Form "C" Licence in favour of the subsequent purchaser/third respondent herein, if it is otherwise in time and in order. No costs.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vsn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To
The District Collector,
Office of the Collectorate,
Thoothukudi.

+2 CC to MR.T.R.JEYAPALAM, Advocate (SR-12418[F] dated 19/03/2021)

+1 CC to SPL GP (SR-12514[F] dated 19/03/2021)

+1 CC to MR.K.GUHAN, Advocate (SR-12558[F] dated 19/03/2021)

+1 CC to MR.M.P.SENTHIL, Advocate (SR-12587[F] dated 19/03/2021)

JUDGMENT MADE IN
W.A (MD) NO.1 OF 2015
18.03.2021

KM (18.05.2021) 3P 7C