



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 01.03.2021**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA  
AND**

**THE HONOURABLE MRS.JUSTICE S.KANNAMMAL**

**W.A(MD)Nos.175, 178, 180 & 286 of 2016**

**and**

**C.M.P(MD)No.883, 884, 918, 919, 923, 924 & 1607 of 2016**

**W.A(MD)Nos.175, 178 & 180 of 2016:-**

S.Sankararaman

... Appellant/Petitioner in WA(MD)  
Nos.175,178 and 180 of 2016

Vs.

1.The District Collector,  
Kanyakumari District,  
Kanyakumari.

2.The Assistant Director,  
Town Panchayat,  
Nagercoil,  
Kanyakumari District.

3.The Executive Officer,  
Special Grade Town Panchayat,  
Kanyakumari.

... Respondents/Respondents in  
WA(MD)Nos.175,178 and 180 of 2016

Common Prayer: Writ Appeals filed under Clause 15 of the Letters Patent to set aside the order, dated 16.12.2015 made in W.P(MD) Nos.5159, 5157 & 5158 of 2015 respectively on the file of this Court.

For Appellant : Mr.M.Mahaboob Athiff

For RR 1 & 2 : Mr.K.P.Narayana Kumar,  
Special Government Pleader.

For R - 3 : Mr.Aayiram K.Selvakumar

**W.A(MD)No.286 of 2016:-**



Vs.

1.The District Collector,  
Kanyakumari District,  
Kanyakumari.

2.The Executive Officer,  
Special Grade Town Panchayat,  
Kanyakumari,  
Kanyakumari District.

3.The President,  
Special Grade Town Panchayat,  
Kanyakumari,  
Kanyakumari District.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 05.02.2016 made in W.P(MD)No.2626 of 2016 on the file of this Court.

Prayer in WP(MD). 5157/ 2015 :

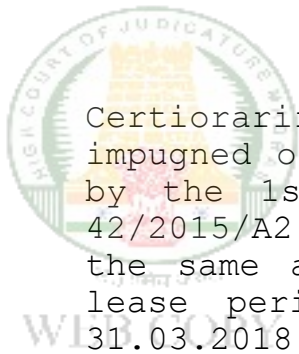
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order bearing (\*) ROC No.2076/2015/q3 dated 10.04.2015 passed by the 1st respondent r/w the impugned order bearing Na.Ka.No. 44/2015/A2 dated 01.04.2015 passed by the 3rd Respondent and quash the same and consequently direct the 3rd respondent to renew the lease period further period of three years from 01.04.2015 to 31.03.2018 by incresing 15% of lease amount and pass such other order or orders. \*(Prayer Amended vide Court order dt.22/04/2015 in MP.3/15)

Prayer in WP(MD). 5158/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order bearing (\*) ROC No.2076/2015/Q3 dated 1.04.2015 passed by the 1st respondent r/w the impugned order bearing Na.Ka.No. 43/2015/A2 dated 01.04.2015 passed by the 3rd Respondent and quash the same and consequently direct the 3rd respondent to renew the lease period further period of three years from 01.04.2015 to 31.03.2018 by incresing 15% of lease amount and pass such other order or orders. \*(Prayer Amended Vide Court order dt.22/04/2015 in MP.3/15)

Prayer in WP(MD). 5159/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of



Certiorarified Mandamus, calling for the records relating to the impugned order bearing \*ROC.No.2076/2015 Q3 dated 10.04.2015 passed by the 1st respondent r/w the impugned order bearing Na.Ka.No. 42/2015/A2 dated 01.04.2015 passed by the 3rd Respondent and quash the same and consequently direct the 3rd respondent to renew the lease period further period of three years from 01.04.2015 to 31.03.2018 by increasing 15% of lease amount and pass such other order or orders. \*(Prayer Amended vide Court Order dt.22/04/2015 in MP.3/15)

Prayer in WP(MD). 2626/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned notification in Na.Ka.No.106/2016/A2 dated 01/02/2016 issued by the respondents 2 and 3 and published in Daily Thanthi newspaper on 02/02/2016 and quash the same.

For Appellant : Mr.T.Antony Arul Raj

**COMMON JUDGMENT**

**(Judgment of the Court was delivered by  
PUSHPA SATHYANARAYANA, J.)**

W.A(MD)Nos.175, 178 and 180 of 2016 are directed against the order passed by the learned Single Judge in W.P(MD)Nos.5159, 5157 & 5158 of 2015 respectively, dated 16.12.2015 and W.A(MD)No.286 of 2016 is directed against the order passed by the learned Single Judge in W.P(MD)No.2626 of 2016, dated 05.02.2016.

2.Originally, the writ appellant had filed W.P(MD)Nos.5159, 5157 & 5158 of 2015 respectively, challenging the order of the third respondent declining to renew the lease on the ground that the writ appellant was in huge arrears of paying the lease amount. Subsequently, the writ appellant had filed W.P(MD)No.2626 of 2016, seeking to stop the auction to be conducted by the Kanyakumari Town Panchayat to be held on 16.02.2016.

3.Even when W.P(MD)Nos.5159, 5157 & 5158 of 2015 respectively were heard by the learned Single Judge on 16.12.2015, it has been observed that the writ appellant was evicted from the petition mentioned premises on 06.04.2015 on the expiry of the lease period and admittedly, he is not in possession of the lease property. Subsequently, W.P(MD)No.2626 of 2016 was also dismissed on the same lines on 05.02.2016.

4.The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that separate proceedings had already been initiated for recovery of arrears from the writ appellant.



5.As the challenge is only to the order of eviction, already the writ appellant has been evicted from the premises, there is nothing survives for adjudication further. Hence, the Writ Appeals are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

**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

- 1.The District Collector,  
Kanyakumari District,  
Kanyakumari.
- 2.The Assistant Director,  
Town Panchayat,  
Nagercoil,  
Kanyakumari District.
- 3.The Executive Officer,  
Special Grade Town Panchayat,  
Kanyakumari.

+1 CC to M/s.SPL GP ( SR Nos.8173[F],8198)

W.A(MD)Nos.175, 178,180 & 286 of 2016  
01.03.2021

SJ(CO)  
KK(17.03.2021) 4P 5C