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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.2895 of 2022

and

WMP Nos.3030, 3031, 3033 and 3034 of 2022

1.B.Mahalingam
2.B.Somasundaram

..Petitioners

-Vs-

1. Union of India,
Rep by its Secretary,
Ministry of Defence,
New Delhi - 110001.
2. The Principal Director of Defence Estates,
Southern Command,
Pune, Maharashtra-411011.
3. The Director General of Defence Estates,
New Delhi-110001.
4. The Defence Estates Officer,
Madras Circle,
No.306, Anna Salai,
Chennai-600 018.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned demand notices dated 10.08.2021 vide No.M/393-A/01/MC and 28.09.2021 vide No.M/393-A/2/MC on the file of the 4th respondent and consequently direct the 4th respondent to renew the lease to the petitioners in respect of the land measuring 2.97 Acres comprised in GLR No.144, in Wellington Cantonment, Nilgiris District and fix reasonable rent.

For Petitioners : Ms.R.Saritha

For Respondents : Mr.N.Ramesh
SPC



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O R D E R

This writ petition has been filed challenging the impugned notices dated 10.08.2021 and 28.09.2021 issued by the fourth respondent calling upon the petitioner to pay the arrears of rent.

2. By order dated 18.02.2022 in WP No.2895 of 2022, this Court directed the petitioner to pay a sum of Rs.2,59,324/- (Rupees Two lakhs fifty nine thousand three hundred twenty four only) within a period of six weeks from the date of the said order and the petitioner was also permitted to negotiate with the respondents and determine the actual rent payable by the petitioner. Aggrieved by the said interim direction, it is brought to the notice of this Court, a writ appeal has been filed by the petitioner and the same was also dismissed.

3. Learned Standing Counsel for the respondents, on instructions, would submit that subsequent to the dismissal of the writ appeal, eviction notices were issued to the petitioner and possession was already taken by the respondents on 27.05.2022.

4. The said submission is recorded. Learned counsel for the petitioners also agrees that possession was already taken by the respondents, however, she would submit that the petitioner is going to challenge the eviction order in the manner known to the petitioner under law. She submits that she has filed a writ petition in WP No.14009 of 2022 challenging the eviction order.

5. The said submission is recorded. Since the eviction order has already been challenged, nothing survives for adjudication in this writ petition, since this writ petition has been filed only challenging the impugned notices calling upon the petitioners to pay the arrears of rent.

6. After recording the submissions made by the respective learned counsels and after recording the fact that the possession has already been taken over by the respondents, this writ petition is disposed of in terms of the submission made by the learned Standing Counsel for the respondents. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

sr



To

1. The Secretary,
Union of India,
Ministry of Defence,
New Delhi - 110001.
2. The Principal Director of Defence Estates,
Southern Command,
Pune, maharashtra-411011.
3. The Director General of Defence Estates,
New Delhi-110001.
4. The Defence Estates Officer,
Madras Circle,
No.306, Anna Salai,
Chennai-600 018.

+1cc to Mr.N.Ramesh, Advocate, S.R.No.38341

W.P.No.2895 of 2022

GP (CO)
UMA (06/07/2022)