



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.928 of 2022

1.B.Mahalingam
2.B.Somasundaram

..Appellants

Vs

1.Union of India,
rep. by its Secretary,
Ministry of Defence,
New Delhi-110 001.

2.The Principal Director of Defence Estates,
Southern Command,
Pune, Maharastra-411 011.

3.The Director General of Defence Estates,
New Delhi - 110 001.

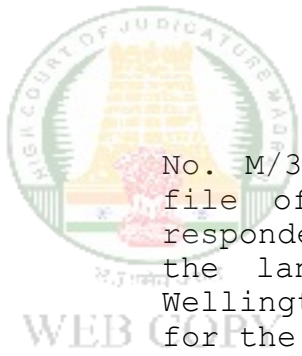
4.The Defence Estates Officer,
Madras Circle,
No.306, Anna Salai,
Chennai - 600 018.

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 18.2.2022 in W.M.P.No.3033 of 2022 in W.P.No.2895 of 2022.

Prayer in W.M.P.No.3033 of 2022 : Petition filed to stay of all further proceedings pursuant to the impugned notices dated 10.08.2021 and 28.09.2021 issued by the 4th respondent pending disposal of this writ petition.

Prayer in W.P.No.2895 of 2022: Petition filed under Article 226 of the Constitution of India praying this Hon'ble Court 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 the same.

For the Appellants : Mr.P.Valliyappan
for M/s.PV Law Associates

For the Respondents : Mr.N.Ramesh
Senior Panel Counsel

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

The writ appeal has been filed against an interim order passed by the learned Single Judge. A perusal of the order does not show it to be in the nature of a final order and, accordingly, the writ appeal would not be maintainable.

2. The writ petition was otherwise ordered to be listed on 11.3.2022, which was adjourned at the request of the appellants on the ground that they have preferred a writ appeal. Thus, it is the appellants who did not press for expeditious disposal of the writ petition.

3. Looking to the nature of the order passed by the learned Single Judge which is an interim order and not in the nature of a final order, the writ appeal is dismissed as not maintainable. There will be no order as to costs. Consequently, C.M.P.Nos.6061 and 6065 of 2022 are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

sasi

To

1.The Secretary,
Union of India,
Ministry of Defence,
New Delhi-110 001.



2.The Principal Director of Defence Estates,
Southern Command,
Pune, Maharastra-411 011.

3.The Director General of Defence Estates,
New Delhi - 110 001.

4.The Defence Estates Officer,
Madras Circle,
No.306, Anna Salai,
Chennai - 600 018.

+1cc to Mr.P.Valliyappan, Advocate SR. No.27271

W.A.No.928 of 2022

SV (CO)
PR (27/04/2022)