



WA No.2044 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WA No.2044 of 2018

The Alda Fowler Nursery School Trust,
Represented by its Trustee Mrs.G.Chandralekha,
V.O.Chidambaram Park,
Coimbatore-641 018.

... Appellant

versus

1.The Principal Secretary to Government,
Municipal Administration and Water Supply (M.C.II)
Department,
Secretariat,
Chennai-600 009.

2.The Director of Municipal Administration,
Chepauk, Chennai- 600 005.

3.The Commissioner,
Coimbatore Corporation,
Coimbatore-641 001.

... Respondents

PRAYER: Writ Appeal filed against the order of the learned Single Judge dated 30.07.2018 in W.P.No.33014 of 2015.



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For the Appellant : Mr.M.S.Krishnan
Senior Counsel
for Mr.C.V.Vijaya Kumar
For the Respondents: Mrs.Geethathamarai Selvan
Special Government Pleader
for respondents 1 and 2
Mr.V.Ayyadurai
Senior Counsel
for Mr.K.Magesh
Standing Counsel
for third respondent

JUDGMENT

(Judgment of the Court was made by *D.KRISHNAKUMAR, J.*)

The writ appeal is filed challenging the order dated 30.07.2018 passed by the Writ Court in W.P.No.33014 of 2015.

2. It is brought to the notice of this Court that the appellant/petitioner has already sent a letter to the third respondent Corporation for handing over the land, which is in possession of the appellant.

3. Learned Senior Counsel appearing for the appellant/writ petitioner has also submitted before this Court that appellant have no objection for the said land, which is in possession of the appellant,



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being taken over by the third-respondent Corporation and they are ready to handover the said possession of the land, which is in possession of the appellant/writ petitioner to the third respondent corporation even today itself. Yet another request is made by the learned counsel for the appellant that insofar as arrears of the lease amount is concerned, third respondent corporation may proceed in accordance with law for recovery of the arrears amount, after affording opportunity to the appellant.

4. The above said statement made by the learned counsel for the appellant is placed on record.

5. In such circumstances, no further adjudication is required in the present appeal.

6. In view of the above, learned counsel for the third respondent may not have any serious objection in following the procedure as contemplated under law to initiate recovery proceedings as against the appellant. Therefore, liberty is granted to the third respondent corporation to proceed in accordance with law to recover



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the said arrears amount. It is needless to say that sufficient opportunity shall be granted to the appellant.

7. With the above, the writ appeal stands disposed of. There will be no order as to costs.

[D.K.K., J.] [P.B.B., J.]
11.09.2023

Index : Yes/No
Neutral Citation : Yes/No
mrn

To

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D.KRISHNAKUMAR, J.



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