



O.A.Nos.245 & 246 of 2022

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WEB CO **KRISHNAN RAMASAMY, J.,**

When the matter came up for hearing on 10.04.2023, this Court passed the following orders:

“This Court, by order dated 03.04.2023, has recorded the submissions made by the learned counsel appearing for the respondent that he is ready and willing to handover Site Nos.1, 3 to 6 and 10 to 19.

2. Today when the matter is taken up for hearing, the learned Senior Counsel appearing for the applicant would submit that the respondent has failed to handover the Sites to the applicant.

3. The learned counsel appearing for the respondent would submit that nobody has approached the respondent for handing over the Sites, but, they have only received an e-mail on 07.04.2023 for the purpose of inspection.

4. In reply, the learned Senior Counsel for the applicant would submit that the e-mail has been sent for the purpose of inspection and for taking over the possession of the property.



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5. The learned counsel for the respondent would fairly submit that the respondent is ready and willing to handover the possession of the Sites at any point of time. Once it is handed over, if at all, they have to inform the same at the time of handing over and after the handing over, the applicants should not make any allegation with regard to other aspects of the Sites.

6. Accordingly, this Court directs the respondent to handover the Sites immediately when the representatives of the applicant approached them and the applicant is directed to take charge of the Site Nos. 1, 3 to 6 and 10 to 19 after conducting thorough inspection of the property. Once the applicant took charge, if any other claims with regard to the Sites, they should make the same at the time of taking over the possession of the property and inform the respondent. The said exercise shall be completed on or before 27.04.2023.

7. The learned counsel for the applicant would submit that by recording the said submissions, these Original Applications may be closed.



8. The learned counsel for the respondent would submit that with regard to other Site Nos. 2, 20 and 21 are concerned, they are already having an Agreement and Site Nos.7, 8 and 9 are concerned, they have already handed over the same to the respective Companies.

9. By recording the above submissions made by the learned counsel appearing on either side, these Original Applications are closed.

List the matter on 27.04.2023 "for reporting compliance".

2.Today, learned counsel appearing for the applicant would submit that the respondent has not handover the Site Nos. 1, 3 to 6 and 10 to 19 as ordered by this Court.

3.Learned counsel appearing for the respondent would submit that no one turned up on behalf of the applicant take charge of the Sites. Therefore, they are not in a position to handover the same.



4. On the other hand, learned counsel appearing for the applicant would submit that the applicant's official were present. However, no one was present on behalf of the respondent.

5. To resolve this dispute and to handover the Sites to the applicant in a peaceful manner, this Court is inclined to appoint the Advocate Commissioners. Accordingly, the following order is passed:

(i) Ms.M.Pravalika, Advocate Office at No.8, Asirvadhapuram, 2nd Street, Pulianthope, Chennai – 600 012, Enrollment No.4084/2018 and Contact No. 9884541416, assisted by Mr.R.Arvind, Advocate, Office at No.T-6, 3rd Floor, Singapore Plaza, Linghi Chetty Street, Parrys, Chennai – 600 001, Enrollment No.8459/2022 and Contact No.7904697839 are appoint to visit Site No.1.

(ii) Ms.J.Vennila, Advocate, Office at No.376, New Addl. Law Chambers, Enrollment No.2124/2003, Contact No.9952048742 are appointed to visit Site Nos.3 to 6 assisted by



Mr.A.Juhilin Jinu Jebarson, Advocate, Residing at
No.10/42, Kandhan Street, Perambur, Chennai –
600 011, Enrollment No.1646/2006 and Contact
No.9884897871

(iii) Mr.Palanimuthu, Advocate, Residing at
No.8-B, Old Tower block, Nandanam Extension,
Chennai – 600 035 and Contact No.9444153685
assisted by Ms.D.Sujatha, Advocate, Office at
No.47, Oriental Insurance Building, 3rd Floor,
Armenian Street, Parrys, Chennai – 600 001 are
appointed to visit Site Nos. 10 to 19.

6.The Advocate Commissioners shall be paid an initial remuneration
of Rs.75,000/- (Rupees Seventy Five Thousand Only), each, within a period
of one week from the date of receipt of the communication from the
respective Advocate Commissioner.

7.The Advocate Commissioners are directed to visit the Sites in the
2nd and 3rd Week of May, 2023. The representative of the respondent is
directed to present every day during the 2nd and 3rd week of May 2023, in the



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Sites between 10.00 A.M to 01.00 P.M, until handing over the Sites to the Advocate Commissioners. Thereafter, the Additional Commissioners shall handover the Sites to the applicant.

8.If no one is present on behalf of the respondent, the Advocate Commissioners shall go and verify the Sites and take inventories in the presence of the representative of the applicant and take possession and handover the same to the applicant. Thereafter, the Advocate Commissioners are directed to file their report on or before 08.06.2023.

9.Further, in order to avoid commotions and emotions, this Court directs the Superintendent of Police, Kurnool and Anantapur Districts to provide Police protection at the time executing the warrant through jurisdictional Police. The jurisdictional Police shall provide sufficient protection for smooth handing over of all the Sites to the applicant by the respective Advocate Commissioners after taking over the possession from the respondent and in the absence of the respondent, by the Advocate Commissioners on their own.



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10.Post the matter on 08.06.2023.

27.04.2023

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Note: Issue Order Copy on 28.04.2023



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