



WEB COPY



W.P.No.27735 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.27735 of 2022
and
W.M.P.No.27026 of 2022

The Wellington Gymkhana Club
Represented by it's Secretary,
Wellington – 643 231,
Nilgiris District.

.. Petitioner

Vs.

- 1.The General Officer Commanding - in - Chief
Head Quarters Southern Command
PIN 908541,
C/O 56 APO.
- 2.The Office of the Cantonment Board,
Wellington Cantonment,
Represented by the Chief Executive Officer,
Ministry of Defence,
Wellington,
Tamilnadu 643231.
- 3.The Estate Officer,
Defence Estates, Madras Circle,
306 Annasalai, Teynampet,
Chennai - 600 018.



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4. The Defence Estate Officer
(U/Sec.2(o) of Cantonment Act 2006)
Madras Circle,
306 Annasalai, Teynampet,
Chennai – 600 018.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling upon the records of the Third Respondent in its impugned order under sub-section (1) of Section 5-B of the Public Premises (Eviction of unauthorized Occupants) Act, 1971, dated 05.09.2022 and quash the same.

For Petitioner : Mr.M.Rajasekhar

For R1, R3 and R4 : Mr.Rajesh Vivekanandan
Assistant Solicitor General of India

For R2 : Mr.M.Vijayan
for M/s.King and Partridge

ORDER

(Order of the Court was delivered by V.M.VELUMANI, J.)

The learned counsel appearing for the petitioner seeks permission of this Court to withdraw the writ petition with liberty to file an appeal under Section 9 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 before the District Judge-cum-Chief Judicial Magistrate, The Nilgiris District, challenging the impugned order passed by the 3rd respondent dated 05.09.2022 and he has also made an endorsement to that effect.



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2. Recording the endorsement made by the learned counsel appearing for the petitioner, the Writ Petition is dismissed as withdrawn with liberty to the petitioner to file appeal against the impugned order before the District Judge-cum-Chief Judicial Magistrate, The Nilgiris District within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed, the District Judge-cum-Chief Judicial Magistrate, The Nilgiris District is directed to dispose of the same as expeditiously as possible in any event within a period of three months from the date of filing of appeal. The District Judge-cum-Chief Judicial Magistrate, The Nilgiris District is further directed to entertain the appeal without insisting for an application for condoning the delay in filing the appeal. Till such time, the respondents are restrained from taking any coercive steps against the petitioner.

(V.M.V., J) (R.H., J)
20.01.2023

Index : Yes / No
Neutral Citation : Yes / No
dm

Note: Registry is directed to return the original impugned order to the learned counsel for the petitioner.



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V.M.VELUMANI, J.
and
R.HEMALATHA, J.

dm

To

1.The General Officer Commanding - in - Chief
Head Quarters Southern Command
PIN 908541,
C/O 56 APO.

2.The Chief Executive Officer,
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Office of the Cantonment Board,
Ministry of Defence,
Wellington,
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