

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

WP No.24893 of 2017
and WMP Nos.26279 & 26280 of 2017

1. Padmajothi
2. T.Baskaran

..Petitioners

Vs

1. The District Collector,
Kancheepuram District,
Kancheepuram
2. The Assistant Collector ,
Highways Department,
(Building and Maintenance)
Tambaram Division,
Velacherry, Chennai – 600 042.
3. The Tahsildar,
Sholinganallur Taluk,
Kanchipuram District.
4. The Revenue Inspector,
No.120, Rajiv Gandhi Road,
OMR, Sholinganallur,
Chennai – 600 119.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents from in any manner interfering or disturbing the peaceful possession and enjoyment of the petitioner in the schedule mentioned property except due process of law.

For petitioners : No Appearance

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

ORDER

[Judgment of the Court was delivered by M.SATHYANARAYANAN, J.]

The writ petition has been filed for the relief of Mandamus forbearing the respondents from any manner interfering or disturbing the peaceful possession and enjoyment of the schedule mentioned property of the petitioners.

2. Notice of motion was ordered on 18.09.2017 and interim order was also granted.

3. When the matter was listed on 22.09.2017, it is brought to the knowledge of the Court by the learned counsel appearing for the petitioners that despite the order of interim injunction, the superstructure

has been demolished and therefore, this Court was inclined to grant an order of stay of dispossession till 07.11.017 and also made it clear that till such time, the writ petitioners shall not create any third party right in respect of the land-in-possession or alter the physical feature of the same and again, the writ petition was listed on 07.11.2017 and on that day, the learned counsel appearing for the writ petitioners have filed the memo stating that despite a registered notice was sent to the petitioners, calling upon them to give instructions but it is returned with an endorsement "unclaimed" and therefore, he reported no instructions and the said memo was taken on record. The Registry was directed to find out as to whether any other counsel has entered appearance on behalf of the petitioner, if so print the name of the counsel or print the name of the petitioners and directed to list the matter on 13.11.2017 "for orders".

5. Again on 27.11.2017 the matter was listed and though the name of the petitioners 1 and 2 were printed, there was no representation on their behalf and again directed the matter to be listed on 30.11.2017 under the caption "for dismissal" and on that day, this Court taking into consideration of the memo filed on behalf of the learned counsel for the petitioner, directed the Registry to delete his name.

6. The matter was called today, and though the names of the petitioners 1 and 2 appear in the cause list, there is no representation on their behalf and their names were called thrice and despite that there is no representation on their behalf and therefore, the writ petition stands dismissed for default and the interim order granted by this Court is vacated. No costs. Consequently, the connected WMPs are also closed.

[M.S.N.,J] [S.P.I., J]
05.12.2017

Index : No
Internet : Yes
kv/rka
To

1. The District Collector,
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Kancheepuram
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M.SATHYANARAYANAN.,J,
and
SATRUGHANA PUJAHARI.,J,

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