



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY  
AND  
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P(MD)No.9386 of 2018  
and  
W.M.P(MD)No.8663 of 2018

L.Nalla Perumal

... Petitioner

Vs.

The Member Secretary,  
Local Planning Authority,  
11-A, Ramanpillai Street,  
Ramavarampuram,  
Nagercoil,  
Kanyakumari District.

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the respondent in his proceedings in Na.Ka.No.583/2013/Na.Uo.Thi.Ku, dated 23.04.2018 and quash the same as illegal and consequently forbear the respondent from in any way taking coercive action against the petitioner's building pending final determination on the retention application submitted by the petitioner on 19.04.2018.

For Petitioner : Mr.M.Mohaboob Athiff  
for M/s.Ajmal Associates

For respondent : Mr.A.K.Baskara Pandian  
Special Govt. Pleader

**ORDER**

(Order of the Court was made by **M.DURAI SWAMY, J.**)

The petitioner has filed the above writ petition to issue a writ of certiorarified mandamus to call for the records relating to the impugned proceedings, issued by the respondent, dated 23.04.2018 and quash the same as illegal and consequently forbear the respondent from taking coercive action against the



petitioner's building pending final determination on the retention application submitted by the petitioner on 19.04.2018.

2.The learned counsel appearing for the petitioner submitted that the impugned notice dated 23.04.2018 has been issued in the name of the petitioner's father, who had died as early as on 21.07.1991. The learned counsel submitted that since the notice has been issued in the name of a dead person, the same is liable to be set aside.

3.Mr.A.K.Baskara Pandian, learned Special Government Pleader, taking notice for the respondents, on instructions, submitted that since notice has been issued in the name of a dead person, the respondent is withdrawing the impugned notice dated 23.04.2018.

4.Since the respondent is withdrawing the impugned notice, dated 23.04.2018, the writ petition is closed. However, it is open to the respondent to issue fresh notice in the name of the petitioner and initiate appropriate action in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Member Secretary,  
Local Planning Authority,  
11-A, Ramanpillai Street,  
Ramavarampuram,  
Nagercoil,  
Kanyakumari District.

+1cc to M/S.Ajmal Associates, Advocate in Sr.No. 63956  
+1cc to THE SPECIAL GOVERNMENT PLEADER, Sr.No. 64191

VS

AE/RSK/SAR1/17.05.2018/2P/4C

**W.P(MD)No.9386 of 2018**  
**25.04.2018**