



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.10.2019
CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

WEB COPY

W.P. (MD) No. 13868 of 2009
and
M.P. (MD) Nos. 1 and 2 of 2009

J. John Benitta

... Petitioner

Vs.

1. The District Collector,
Thoothukudi.
2. The Assistant Director (Panchayat),
Thoothukudi.
3. The Assistant Block Development Officer,
(Village Panchayat),
Alwarthirunagari Panchayat Union,
Alwarthirunagari,
Thoothukudi District.
4. The President,
Mookuperi Panchayat,
Tiruchendur Taluk,
Thoothukudi District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the fourth respondent dated 25.04.2009 and the consequent proceeding on the file of the third respondent passed under the instruction of the second respondent dated 14.07.2009 in Oou.Nee/4252/2009 and further direct the respondents to permit the petitioner to complete her building construction works in S.Nos.192/1A, 192/6A1, 191/6B1, 193A/2, 193A/3A1, 181/2 and 193/1A at Mookuperi Village, Thoothukudi District.

For Petitioner : Mr.M.Prakash
for Mr.P.Pethu Rajesh
For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader
for R.1 and R.2
: Mr.S.Raja
for Mr.K.M.Vijayakumar
for R.3
: R.4 and R.5 - dismissed



ORDER

Read this in conjunction with and in continuation of earlier proceedings of this Court dated 25.09.2019, which reads as follows:

'Mr.P.Pethu Rajesh, learned Counsel on behalf of writ petitioner, Mr.K.Mu.Muthu, learned Additional Government Pleader on behalf of respondents 1 and 2 and Mr.K.Mahesh Raja, learned Counsel on behalf of third respondent are before this Court.

To be noted, respondent No.4 is President of the Panchayat and therefore as of today, this Court is informed that the third respondent is competent to represent the panchayat.

In the aforesaid backdrop, Counsel for writ petitioner seeks time to get instructions about the present obtaining position and make submissions.

List on 30.10.2019.'

2. Today, Mr.M.Prakash, representing learned Counsel on record for writ petitioner submits that there are no instructions from the writ petitioner. Learned Counsel has made an endorsement in the case file, which reads as follows:

'No instruction. Memo filed.'

3. In the light of the endorsement made in the case file and reiteration of the same, instant Writ Petition is dismissed for default / non-prosecution by the writ petitioner. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

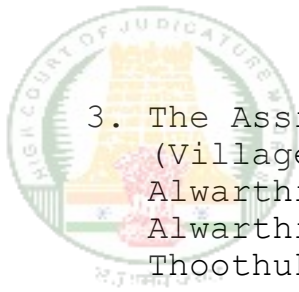
Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector,
Thoothukudi.
2. The Assistant Director(Panchayat),
Thoothukudi.



3. The Assistant Block Development Officer,
(Village Panchayat),
Alwarthirunagari Panchayat Union,
Alwarthirunagari,
Thoothukudi District.

4. The President,
Mookuperi Panchayat,
Tiruchendur Taluk,
Thoothukudi District.

+1 CC to SPL GP (SR-95136[F] dated 31/10/2019)

W.P.(MD)No.13868 of 2009
30.10.2019

SSL

MK (08.11.2019) 3P 6C