

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.25631 of 2011
and M.P.No.1 of 2011

M.Shanmugam rep.by its
General Power of Attorney
Sankar

... Petitioner

Vs.

Chief Executive Officer
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

... Respondent

Prayer : Writ petition is filed under Article 227 of the Constitution of India, praying for a writ of Mandamus directing the respondent not to alter or reduce the width of 16 feet road, north to plot No.39 (EWS 77/39) situate in Sadayankuppam Village, Madavaram Taluk, Tiruvallur District comprised in S.No.261 as per sale deed dated 04.12.2009 by the respondent in favour of the Allottee or any other appropriate Writ or direction or order as may deem fit and proper in pursuance of the representation given on 13.10.2011 to the respondent.

(Prayer amended as per order dated 18.11.2011 in MP.No.2 of 2011 in WP.No.25631 of 2011)

For Respondent : M/s.P.Veena suresh

O R D E R

By an order dated 10.12.2020, it was recorded the submission of Mr.Mohamed Noohu, representing counsel for the petitioner that Mr.M.Kumaraswami, learned counsel for the petitioner has passed away. Therefore, the Registry was directed to send death memo to the petitioner. Accordingly, notice was also sent on 10.12.2020 to the petitioner wherein it was stated that the writ petition was posted for admission on 04.01.2021 before this Court. Notice sent to the writ petitioner has been returned with an endorsement dated 19.12.2020 which reads as under:

" Shanmugam F/o.Sankar was expired but initial differed. So returned as No such person."

There is some confusion as the endorsement states that the initial differs. However, there is nobody to represent the interest of the petitioner today, the above writ petition was

filed by Shankar on behalf of his father Shanmugam who has expired as per the above petitioner's endorsement.

2. Since the writ petitioner has died, I am of the view that the writ petition can be dismissed for the present with liberty to restore the same in case it is brought to the notice that the petitioner is indeed alive or the legal heirs of the petitioner intend to pursue with the remedy in the present writ petition. Therefore, the writ petition is dismissed with liberty to restore the same to the file of this Court. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Chief Executive Officer
Chennai Metropolitan Development
Authority, No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

+1cc to M/s.P.Veena Suresh, Advocate SR.NO.1024

AKM/22.02.21/ 2P-3C/

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07.01.2021

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