



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2021

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

W.P(MD) No.6086 of 2015

WEB COPY

R.Balaji

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Nungambakkam,
Chennai - 600 024.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai 625 001.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai 625 001.

4.Thiruvaduthurai Public Trust,
Rep. By its Aatheena Karthar,
Srilasri. Guru Maha Sannithanam,
Ambalavana Desika Paramachariyar Swamigal,
Thiurvaduthrurai Village,
Kuthalam Taluk,
Nagapattinam District.

5.M.S.Devivendran

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 08.10.2014 and to take appropriate action against the 5th respondent in order to prevent further grabbing of lands belonging to the 4th Respondent Trust.

For Petitioner : No Appearance

For Respondents : Mr.M.Lingadurai,
Special Govt. Pleader for R1 to R3
Mr.S.Manohar for R4
R5-Disd vide order dated 04.07.2017



O R D E R

Read this in conjunction with and in continuation of earlier proceedings made in four previous listings i.e., 11.11.2021, 12.11.2021, 15.11.2021 and 16.11.2021, which read as follows:

'11.11.2021:

There is no representation for writ petitioner, but Mr.M.Lingadurai, learned State Counsel for respondents 1 to 3 (official respondents) is before this Court. However, with the intention of giving an opportunity to the writ petitioner and writ petitioner's counsel, list this captioned matter tomorrow again.

List on 12.11.2021.

12.11.2021:

'In the captioned matter, Mr.S.Ramu, learned counsel on record for writ petitioner is before this Court. Adverting to the earlier proceedings dated 11.11.2021, learned counsel for writ petitioner expresses regret for non-appearance yesterday. Be that as it may, learned counsel for writ petitioner reported 'no instructions'. This is recorded.

2. Mr.M.Lingadurai, learned Special Government Pleader on behalf of respondents 1 to 3 (official respondents) and Mr.S.Manohar, learned counsel for fourth respondent are before this Court. To be noted, this writ petition has already been dismissed for default on 04.07.2017 as against the fifth respondent (private respondent).

3. However, with the intention of giving opportunity to writ petitioner, Registry to show the name of writ petitioner together with full/complete address as in the cause title in the next listing. (Registry to not to show the name of the counsel for writ petitioner in the next listing).

4. List on 15.11.2021.

15.11.2021:

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings on 11.11.2021 and 12.11.2021.

2. Pursuant to earlier proceedings dated 12.11.2021, today, the name of writ petitioner together with full/complete address as in the cause title has been shown in the cause list. Name of the writ petitioner called out thrice in Court as well as in VC. However, with the intention of giving further opportunity to the writ petitioner, Registry to list this matter in the same manner tomorrow.

List on 16.11.2021.



16.11.2021:

Read this in conjunction with and in continuation of earlier proceedings made in the previous proceedings on 11.11.2021, 12.11.2021 and 15.11.2021.

2. The position is no different today. In other words, there is no representation for writ petitioner, but Mr.M.Lingadurai, learned Special Government Pleader on behalf of respondents 1 to 3 (official respondents) and Mr.S.Manohar, learned counsel for fourth respondent are before this Court.

3. To be noted, the captioned matter has already been dismissed for default as against the fifth respondent on 04.07.2017 and this has been captured in my earlier proceedings made in the listing on 12.11.2021. This is the third consecutive / successive listing, in which there has been no representation for writ petitioner. Therefore, the matter will be listed tomorrow albeit under the caption 'FOR DISMISSAL'.

4. List tomorrow i.e., 17.11.2021 under the caption 'FOR DISMISSAL'.

2. Pursuant to the aforementioned proceedings on 16.11.2021, captioned writ petition has been listed today under the cause list caption 'FOR DISMISSAL', but the position is no different today. In other words, there is no representation for the writ petitioner today also notwithstanding the matter being listed under the cause list caption 'FOR DISMISSAL'.

3. However, Mr.M.Lingadurai, learned Special Government Pleader on behalf of respondents 1 to 3 (official respondents) and Mr.S.Manohar, learned private counsel for the fourth respondent are before this Court.

4. The above trajectory will bring to light that this is the fifth consecutive / successive listing in which writ petitioner has not chosen to represent the matter. Name called out thrice in physical hearing part as well as on the VC but there is no response.

In the light of the narrative thus far, captioned writ petition is dismissed for default / non-prosecution. There shall be no order as to costs.

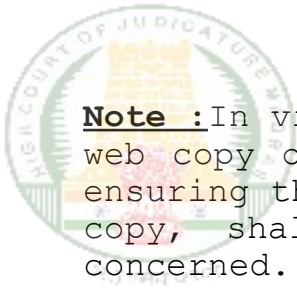
Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

WEB COPY

To

- 1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
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Chennai - 600 024.
- 2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai 625 001.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai 625 001.

+1 CC to M/s.S. MANOHARAN, Advocate (SR-34905[F] dated 18/11/2021)

W.P(MD)No.6086 of 2015

17.11.2021

RD(04.12.2021) 4P 5C