



W.P.No. 26683 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.07.2022

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

**W.P.No.26683 of 2011
and
M.P. Nos.1 & 1 of 2011 & 2012**

Muthamizh Peravai Charitable Trust
Rep. by the Secretary
No.92, Durgabai Deshmugh Road,
R.A. Puram, Chennai 600 028

... Petitioner

Vs.

1. The Government of Tamilnadu
Rep. by the Chief Secretary to Govt.,
Secretariat, Chennai 600 009.
2. The Secretary to Government,
Public Works Department,
Secretariat, Chennai 600 009
3. Mr. S. Saikumar, I.A.S.
Secretary to Govt.,
Public Works Department,
Secretariat, Chennai 600 009.
4. The Executive Engineer
Public Works Department
South Presidency Division, Chepauk,
Chennai 600 005.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ or order or direction in the nature of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 4th respondent in letter No.A3/1969/2009/dated 09.11.2011 and quash the same and consequentially forbearing the respondents from anyway and in any manner interfering with the petitioner's peaceful possession and enjoyment of property situated in Survey No.4269/3, Mylapore Village and Taluk, Chennai Dist. including the auditorium viz. "T.N.Rajarathnam Kalai Arangam" in the said property.

For Petitioner : Mr.G. Adithyaraj
for P.Wilson Associates
For Respondents : Mr. U. Baranidharan,
Additional Government Pleader.

ORDER

When this Writ Petition was taken up for hearing, a memo was filed on behalf of the petitioner along with a copy of the order passed in W.P.No.28190 of 2011 dated 01.10.2021.

2. For proper appreciation, the said memo is extracted hereunder:

"1. It is submitted that the Petitioner has made a representation dated 31.05.2021 to the concerned authorities



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for their kind consideration and action. The Respondent vide letter No.9049/H1/2021-3 dated 24.09.2021 informed the petitioner that the said representation could be considered only if the Writ Petitions before this Hon'ble Court are withdrawn.

2. Hence, without prejudice to its rights and contentions, the petitioner seeks to withdraw the above writ petition with liberty to work out their remedies in accordance with law including to file a fresh Writ Petition on the same cause of action.

3. It is further submitted that the petitioner had also filed W.P.No.28190 of 2011 to quash the G.O.Ms. 237 dated 05.11.2011 and consequently forebear the respondents from interfering with the petitioners peaceful possession and enjoyment of property situated in S.No.4269/3, Mylapore Village and Taluk including the Auditorium and further the



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petitioner also filed W.P. No.30382 of 2016 to forebear the respondents from putting up any construction over the passageway to the northern side of the building admeasuring 0.90 grounds comprised in S.No.4269/3, Mylapore Village and Taluk.

4. It is submitted that this Hon'ble Court vide order dated 01.10.2021 in W.P. No.28190 of 2011 disposed of the Writ Petition with liberty to parties to approach the Government to redress the grievance in a manner known to law. Hence, similar orders may be passed in this case.

5. It is therefore humbly prayed that this Hon'ble Court may be pleased to permit the petitioner to withdraw W.P. No.26683 of 2011 with liberty to file a fresh case on the same cause of action and thus render justice."



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3. This Writ Petition is disposed of in terms of the above memo. No

costs. Consequently connected miscellaneous petitions are closed.

12.07.2022

Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

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To

1. The Government of Tamilnadu
Rep. by the Chief Secretary to Govt.,
Secretariat, Chennai 600 009.
2. The Secretary to Government,
Public Works Department,
Secretariat, Chennai 600 009
3. Mr. S. Saikumar, I.A.S.
Secretary to Govt.,
Public Works Department,
Secretariat, Chennai 600 009.
4. The Executive Engineer
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N. ANAND VENKATESH, J.

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