



WP.No.23141 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23141 of 2018 &

W.M.P.No.27038 of 2018

1. S.Duraisamy
2. S.Ponnuraj
3. S.Krishnaraj
4. S.Balasundaram
5. Shanmugasundaram
6. K.Subramani
7. K.Jayakumar
8. K.Rajedran
9. K.Maheswaran
10. S.Kuppuraj
11. Rajeswari
Rep. by their Power Agent,
S.Kumutham

... Petitioners

Vs

1. The Commissioner of Coimbatore Corporation,
Office of the Corporation of Coimbatore,
Periyakadai Street, Coimbatore – 1.

2. The Assistant Commissioner,
Corporation of Coimbatore,
South Zone, Palakad Road,
Kuniyamuthur, Coimbatore.

... Respondents



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Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Mandamus forbearing the first and second respondents in any manner forcibly taking the vacant land of the petitioner situated in T.S.No.7/115/3 to an extent of 74 cents at Kumarapalayam Village, Coimbatore Taluk, Patta No.1, S.No.1 without following due process of law.

For Petitioners : Mr.S.Venkatesh

For Respondents : Mr.Hasan Mohamed Jinnah
State Public Prosecutor
Assisted by Mr.N.Velmurugan
Standing Counsel for Coimbatore Corporation

ORDER

This writ petition has been filed forbearing the first and second respondents in any manner forcibly taking the vacant land of the petitioner without following due process of law.

2. The Writ Petition has been filed by the petitioners represented by their Power of Attorney one Kumutham in the year 2018. The learned counsel appearing for the Corporation submitted that some of the Writ Petitioner have died and also produced their death certificates.



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3. The death certificates indicate that some of petitioners have died long back in the year 1993, 1997, 2005, even prior to the filing of the present Writ Petition. However, the Writ Petition has been filed in the capacity of Power of Attorney. In such view of the matter, suppressing the death of the principal and filing the Writ Petition is nothing but abuse of process of law.

4. Accordingly, this Writ Petition is dismissed. However, if any of the writ petitioner has any right individually, they may file a separate Writ Petition. Consequently, connected miscellaneous petition is closed. No costs.

09.12.2022

vrc

To,

1. The Commissioner of Coimbatore Corporation,
Office of the Corporation of Coimbatore,
Periyakadai Street, Coimbatore – 1.
2. The Assistant Commissioner,
Corporation of Coimbatore,
South Zone, Palakad Road,
Kuniyamuthur, Coimbatore.



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N.SATHISH KUMAR, J.

VTC

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