



W.P. No. 28952 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 28952 of 2022

and

W.M.P. Nos. 28238 and 28240 of 2022

D.Revathi

... Petitioner

-VS-

State Represented by

1. The Executive Officer

Arulmigu Thiruveteeswarar Thirukovil

Thiruvaeteswaranpettai

Triplicane, Chennai – 600 005

Under the HR & CE Board

2. The Assistant Commissioner /Thakkar

Arulmigu Thiruveteeswarar Thirukovil

Thiruvaeteswaranpettai

Triplicane

Chennai – 600 005

Under the HR & CE Board

3. The Commissioner

HR & CE Board

Nungambakkam

Chennai – 600 034.

4. The Tahsildar

Kundrathur Taluk

O/o. The Tahsildar

Kootu Road

Kundrathur

Chennai – 600 069.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records pertaining to the Auction Notice dated 05.10.2022 issued by the First and Second Respondents herein which was published in the Malaimurasu evening, Tamil Newspaper and quash the same as illegal.

For Petitioner : Mr. T.Surendran

For Respondents : Mr. N.R.R.Arun Natarajan
Special Government Pleader
(For R1 to R3)

Mr. T.Arunkumar
Additional Government Pleader (For R4)

ORDER

Heard Mr. T.Surendran, Learned Counsel for the Petitioner, Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader appearing for the First and Third Respondents and Mr. T.Arunkumar, Learned Additional Government Pleader appearing for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition had been filed challenging the auction notice dated 05.10.2022 issued by the First and Second Respondents which was published in the Malaimurasu Tamil Newspaper.



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3. It has been brought to notice that the vendor of the Petitioner, viz., Kuppammal alias D.Kuppabhai, has filed a suit in O.S. No. 514 of 2008 before the District Munsif cum Judicial Magistrate at Sriperumbudur for declaration of title against the First Respondent and the said suit was dismissed for default and the application for restoration was also dismissed by order dated 30.07.2019, and its copy has been produced. In such circumstances, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition reserving the right of the Petitioner for taking further action for restoring the suit in accordance with law.

4. In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed.
No costs.

16.11.2022

Maya

Index: Yes/No

Note: Issue order copy by 30.11.2022.



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To

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P.D. AUDIKESAVALU, J.

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