



W.P.Nos.921, 923 & 928 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

CORAM :

The Hon'ble Mr.JUSTICE M.SUNDAR

W.P.Nos.921, 923 & 928 of 2023

and

W.M.P.Nos.901, 902, 904, 905, 908 & 910 of 2023

in

W.P.Nos.921, 923 & 928 of 2023

P.Padmanabhan

S/o.Pattabu

.. Petitioner in W.P.No.921 of 2023

R.Velangany

S/o.Ramasamy

.. Petitioner in W.P.No.923 of 2023

S.Thillaivanam

S/o.Subramanian

.. Petitioner in W.P.No.928 of 2023

Vs.

1. The Registrar

Department of Co-operative Societies

Government of Pondicherry

Pondicherry.

2. Puducherry Health Employees Co-operative Housing Society

Registration No.B533

No.3, 2nd Floor, D-Lane

VVP Nagar, Thatanchavady

Pondicherry.



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3. The Commissioner
Pondicherry Municipality
Puducherry.

4. The Member Secretary
Pondicherry Town and Country Planning Authority
Government of Puducherry
Pondicherry.

.. Respondents in all WPs.

Writ petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned E-Auction notice dated 12.12.2022 issued by the 2nd respondent and quash the same and direct the respondents 1, 2 and 3 to take appropriate action on the 2nd respondent for deliberately issuing the E-Auction notice, bringing in auction to the property, that was left as a reserve space by the 3rd respondent Municipality and further without obtaining necessary approval from the 4th respondent.

For Petitioner in all W.Ps : Mr.B.Balavijayan
For Respondents in all W.Ps : Mr.P.S.Kothandaraman,
Government Advocate
for Puducherry
for R1, R3 and R4
Mr.R.Sreedhar
standing counsel for
Co-operative Societies
for R2



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ORDER

When the matter was taken up, Mr.B.Balavijayan, learned counsel on record for writ petitioners in all the three captioned writ petitions submitted that the auction which was scheduled to be held yesterday and today did not take place (this writ Court is informed by learned State counsel who accepted notice for respondents that it did not take place as there were no bidders).

2. Learned counsel for writ petitioners sought leave of this writ Court to withdraw the captioned three writ petitions but requested to preserve all the rights and contentions of both sides if there is further litigation on the same cause of action. In the light of the facts and circumstances, this request is acceded to.

3. Learned counsel on record for writ petitioner has made endorsements in all the captioned three writ petitions and scanned reproduction of the same are as follows:



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Sub

Since the Auction,
did not
took place, the
Writ Petition may be permitted
to be withdrawn.

[Signature]
12/01/2023
Counsel for the
Petitioner.



Sub

The Auction,
did not take place.
Hence, the writ Petition
may be permitted to
be withdrawn.

[Signature]
12/01/2023
Counsel for the
Writ Petitioner.





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Sudh
Since, E. avelan,
did not both parties,
on the Behnelahel state,
the writ Petition May
be permitted to be
withdrawn.
12/01/2023.
Court for the
Petitioner.

4. Learned counsel reiterates the aforementioned endorsements.

5. In the light of the trajectory thus far, captioned Writ Petitions are disposed of as closed / withdrawn albeit preserving all the rights and contentions of both sides if there is further litigation on the same cause of action. Though obvious, it is made clear that this Court has not expressed any view or opinion in this order on the merits of the matter.



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Consequently, connected Writ Miscellaneous Petitions are also disposed of as closed /withdrawn. There shall be no order as to costs.

12.01.2023

Index: Yes/No

Speaking / Non-speaking order

Neutral Citation : Yes / No

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To

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Department of Co-operative Societies
Government of Pondicherry
Pondicherry.
2. Puducherry Health Employees Co-operative Housing Society
Registration No.B533
No.3, 2nd Floor, D-Lane
VVP Nagar, Thatanchavady
Pondicherry.
3. The Commissioner
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Pondicherry.



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M.SUNDAR, J.,

mk

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