



WEB COPY



W.A.No.3396 of 2019 and
W.P.No.8676 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. B.BALAJI

W.A.No.3396 of 2019 and

CMP No.21835 of 2019

and

W.P.No.8676 of 2018 and

WMP Nos.10599 & 10606 of 2018

In W.A.No.3396/2019

S.Rajendran

... Appellant

Vs.

1. P.Jayaraman

2. The Secretary, Salem Agricultural Sales Committee,
Uthamasolapuram, Salem.

3. The Deputy Director of Agriculture,
Sales and Commerce, Room No.404,
District Collector Campus, Salem-1.

... Respondents



W.A.No.3396 of 2019 and
W.P.No.8676 of 2018

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed by this Court in W.P.No.13561 of 2018 dated 25.01.2019.

In W.P.No.8676 of 2018

S.Rajendran

... Petitioner

Vs.

1. The Secretary, Salem Agricultural Sales Committee,
Uthamasolapuram, Salem.

2. The Executive Officer, Hasthampatti Uzhavar Sandhai,
Salem-10.

3. P.Jayraman.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the first respondent in Na.Ka.No.A4/1037/2018 dated 22.03.2018 and quash the same as illegal, incompetent and ultravires and consequently, direct the the respondents to renew the lease of petitioner's shop at Hasthampatti Uzhavar Sandhai, measuring to an extent of 50 sq.ft. and permit him to continue to run his tea shop and canteen at Uzhavar Sandhai, by considering his representation dated 27.02.2018.



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In Writ Appeal

For Appellant : No appearance
For Respondents : Mr.Bala Ramesh for second respondent

Mrs.P.Rajarajeswari, Govt. Advocate
for the third respondent

In Writ Petition

For Petitioner : No appearance
For first respondent : Mr.Balaramesh

COMMON JUDGEMENT

(Judgment of the Court was delivered by D.KRISHNAKUMAR, J.)

Both the writ appeal as well as the writ petition have been filed by one S.Rajendran.

2. When the W.A.No.3396/2019 was listed for hearing on 29.08.2023, there was no representation on behalf of the appellant. Hence, the matter was directed to be listed today under the caption for dismissal.



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3. Earlier, the Writ Petition in W.P.No.8676/2018 was directed to be tagged along with the writ appeal in W.A.No.3396/2019, as per the order of the Division Bench of this Court dated 15.10.2019. Subsequently, as per the order of the Hon'ble Acting Chief Justice, dated 27.01.2022, the matters were directed to be tagged and posted before a Division Bench, as per the roster. Accordingly, both the writ appeal and the writ petitions are posted today, before this Bench.

4. As far as the writ appeal is concerned, though the matter is of the year 2019 and is listed under the caption for dismissal, none appeared on behalf of the appellant, which clearly shows that the appellant is not interested in prosecuting the case. Hence, the writ appeal is dismissed as non prosecution. No costs. Consequently, connected miscellaneous petition is closed.

5. As far as the writ petition is concerned, already the matter was dismissed for non prosecution, vide order dated 25.01.2019 and thereafter, by allowing the restoration petition filed by the petitioner in WMP



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No.4672/2019, the matter was restored to file, vide order dated 13.02.2019.

In such circumstances, today, the matter is listed for hearing along with the above writ appeal. However, there is no representation on behalf of the petitioner, which clearly shows that he is not interested in prosecuting the case. Hence, the writ petition is dismissed for non prosecution. No costs. Consequently, connected miscellaneous petitions are closed.

(D.K.K.J.)

(P.B.B.J.)

31.08.2023

Internet: Yes/No
Index : Yes/No
mst

To

1. The Secretary, Salem Agricultural Sales Committee,
Uthamasolapuram, Salem.
2. The Deputy Director of Agriculture,
Sales and Commerce, Room No.404,
District Collector Campus, Salem-1.
3. The Executive Officer,
Hasthampatti Uzhavar Sandhai,
Salem-10.



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and
P. B.BALAJI, J.

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