



WP(MD)No.4342 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.4342 of 2016

and

WMP(MD)Nos.3859, 3860 of 2016

B.Chidambarathanu

... Petitioner

v.

1.The Commissioner,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

2.M.Gurunathan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for the records relating to the impugned proceeding dated 14.12.2015 passed in Na.Ka.No.17543/2015/F1 by the first respondent and quash the same.



For Petitioner : No appearance

For Respondents : Mr.P.Athimoolapandian
for R.1

Mr.K.Sreekumaran Nair
for R.2

ORDER

This writ petition is filed as against the proceedings of the Commissioner, Nagercoil Municipality, in Na.Ka.No.17543/2015/F1, dated 14.12.2015.

2.By the said impugned order, the first respondent had granted permission for demolition and reconstruction of a building, where the petitioner is doing some business. The first respondent has taken a decision that the building is in a dilapidated condition and it may cause danger to the nearby public. This order has been challenged in this writ petition on the ground that it has been passed with the connivance of the second respondent and that the condition of the building is perfect.



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WEB COP 3.It appears that while entertaining the writ petition in the year 2016, this Court has passed an interim order on 17.03.2016 directing the Municipality not to initiate any further steps to demolish the building, till the next date of hearing. The Court has also recorded that if any untoward incident happens, the petitioner will take the sole responsibility and meet the consequences, whatsoever.

4.When the matter came up for hearing on 22.02.2023, Mr.R.Murugan, learned Counsel for the petitioner filed a memo that he has already withdrawn his vakalath and gave change of vakalath and is not having any instructions. Recording the said memo, this Court directed the Registry to list the matter by printing the name of the petitioner. Mr.R.Murugan, learned Counsel, was also directed to inform the petitioner as to the listing of the petition.

5.Today, the matter is listed in the name of the petitioner, however, there is no representation on his behalf.



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6.Learned Counsel for the second respondent submitted that after the filing of the writ petition, the petitioner himself has purchased the property from the second respondent / owner and has demolished and has also reconstructed the building. The said submission has also been confirmed by the learned Standing Counsel for the first respondent.

Recording the aforesaid submission, this writ petition stands closed as no further order is required to be passed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No
gk

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B.PUGALENDHI, J.

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