



W.P.Nos.5665 and 5668 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.10747 of 2012
and MP.No.1 of 2012

M.Swaminathan

... Petitioner

vs.

1.The Collector of
Cuddalore District,
Cuddalore.

2.The Tahsildar,
Cuddalore Taluk,
Cuddalore District.

3.Superintendent of Police,
Cuddalore District, Cuddalore.

4.Deputy Superintendent of Police,
Panruti.

5.Sub Inspector of Police,
Naduveerapattu Police Station,
Cuddalore Taluk.

6.Srinivasa Padayachi

7.G.Veerappan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing respondents 1 to 5 from



permitting conduct of any public meeting or permitting construction or installation of any statue of any kind in S.No.176/1 Ac.4.02 in Naduveerapattu Village, Cuddalore Taluk, Cuddalore District.

For Petitioner : Mr.R.Gururaj

For RR1 to 5 : Mr.G.Vijayadevi,
Government Advocate

For RR6 & 7 : Mr.R.Sunil Kumar

ORDER

This Writ Petition has been filed to forbear the respondents 1 to 5 from permitting conduct of any public meeting or permitting construction or installation of any statue of any kind in the above said property.

2. Today when the matter is called, respondents 6 and 7 filed typed set of papers before this Court. This Court perused the same. It is seen that earlier the same petitioner filed W.P.No.23032/2012, seeking the relief of Writ of Mandamus forbearing the respondents therein from in any manner interfering with the petitioner's right and enjoyment in certain extent of land in S.F.No.176/1 and 176/2. This Court, on 01.09.2021, passed the following order:

"Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner who is the Managing Trustee of Arulmighu Kailasanathar Thirukkoil,



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Naduveerapattu Village, Cuddalore District, is no more. Hence, the learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty to file a fresh writ petition, if so advised by the concerned party.

2. Granting such liberty, this writ petition stands closed. No costs. Consequently, the connected miscellaneous petition is also closed."

3. It is transpired that the petitioner is no more. The learned counsel who represented the petitioner in the above said writ petition (WP.No.23032/2012) on 01.09.2021, is the same counsel now appearing for this matter also. However, the learned counsel seeks time to argue the matter.

4. In my considered view, the counsel without taking any steps in respect of death of writ petitioner, seeking time to argue the matter, is not acceptable. It is pertinent to note that the petitioner is no more and the prayer does not survive any more. Hence, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

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Index :Yes/No
Speaking /Non speaking order
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J.NISHA BANU, J.

sk

To

- 1.The Collector of
Cuddalore District,
Cuddalore.
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