



W.P.No.6227 of 2019

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 09.09.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6227 of 2019

Muthurajan

.. Petitioner

Vs

1.The District Collector,
Tiruppur District.

2.The Tahsildar,
Tiruppur North Taluk,
Tiruppur.

3.The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur.

4.The Surveyor,
Tiruppur Municipal Corporation,
Tiruppur.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to forbear the third respondent, their men, agents, servants from laying any road as per the detailed development plan or under any approved plan in the petitioner's patta land situated in T.S.No.1156 in Block No.17, Tiruppur North Town, Tiruppur Distirct, without following due process of law.



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For Petitioner : Mr.S.Sithirai
For R1 & R2 : Mr.C.Kathiravan, Spl.GP
For R3 & R4 : Mr.S.Silambanan, Sr. Counsel
for Mrs.P.Shanthi

ORDER

The writ petition has been filed seeking to forbear the third respondent from laying any road as per the detailed development plan in the petitioner's patta land comprised in T.S.No.1156 in Block No.17, Tiruppur North Town, Tiruppur District, without following due process of law.

2. It is submitted by the learned Senior counsel for the respondents 3 and 4 that the petitioner died long back and no one has filed a petition to substitute the petitioner.

3. On perusal of the counter affidavit filed by the third respondent, it is revealed that 50 feet road running through the private property from east to west has already been laid and in the year 2015, a detailed development plan was prepared under the Town and Country Planning Act, however, the said plan is not approved.



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4. Learned Senior counsel for the respondents 3 and 4 would submit that entire drainage work has been completed except on the small portion of the land owned by the deceased petitioner.

5. However, since the petitioner is no more and no one has filed a petition to substitute the petitioner, the writ petition is dismissed as abated. The legal heirs of the petitioner are at liberty to submit a fresh representation on a fresh cause of action if they are so advised. No Costs. Consequently, connected miscellaneous petitions are closed.

09.09.2024

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To

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G.K.ILANTHIRAIYAN, J.

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