



WEB COPY



W.P.No.19109 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.19109 of 2024
&W.M.P.No.20959 of 2024
in W.P.No.19109 of 2024

Yegamoorthy
S/o.Ayyothi

... Petitioner

Vs.

1. The District Collector
District Collector Office
Cuddalore
2. Revenue Divisional Officer
Revenue Divisional Office
Virudhachalam
Cuddalore District
3. Block Development Officer
Block Development Office
Virudhachalam
Cuddalore District
4. Sowmiya

... Respondents

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WP.No.19109 of 2024

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records with respect to the impugned undated proceedings of the 4th respondent by directing to stop the construction work failing which they would demolish the construction and evict the petitioner from the property comprised in S.F.No.175 at Erumanur Village. Virudhachalam Taluk, Cuddalore District and quash the same and consequently direct the 1st respondent to conduct enquiry on the representation of the petitioner and pass orders on the same.

For Petitioner : Mr.T.Mohanraju

For Respondents : Mr.P.Balathandayutham
Spl.Govt.Pleader for R1 and R2

Mr.C.Kathiravan
Spl.Govt.Pleader for R3

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

When the matter was taken up, Mr.T.Mohanraju, learned counsel on record for the writ petitioner sought leave of this Court to withdraw the captioned 'Writ Petition' ['WP' for the sake of brevity] as there is a reference to a case law which is not before us and as the Panchayat President has been impleaded in his personal capacity though the notice has not been issued in his personal capacity. Learned counsel on record made an endorsement in the case file and a scanned reproduction of the same is as follows:

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The petitioner may be allowed
to withdraw the writ petition
wp-19109/2024 & wp-20939/24
and file a fresh writ petition
by impleading corresponding
respondents

for 15/08/24
counsel for petitioner
P. Mohan Raju
11048/2020,
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2. Learned counsel also made a request for preservation of all the rights and contentions of the writ petitioner to come back to this Court with similar / same prayer or any other appropriate prayer on the same cause of action after making a course correction. We make it clear that it is open to the writ petitioner to array a party concerned in personal capacity also if there are allegations of malafides but the office which issued notice should necessarily be shown as respondent.



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Captioned WP and captioned Writ Miscellaneous Petition are disposed of as closed albeit with preservation of rights of the writ petitioner in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
15.07.2024

Index : Yes / No
Speaking / Non-speaking order
Neutral Citation : Yes / No
gpa



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Virudhachalam
Cuddalore District



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WP.No.19109 of 2024

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

gpa

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15.07.2024