



WEB COPY



W.P.No.35245 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.35245 of 2023

M.Akash

.. Petitioner

v.

1. The Commissioner
Mannargudi Municipality
Tiruvarur District
2. The Executive Officer
Kamatchi Amman Koil
Kammala Street
Mannargudi, Tiruvarur District
3. The District Collector
Tiruvarur District
4. The Tahsildar
Mannargudi Taluk
Tiruvarur District
(R3 & R4 suo motu impleaded as
per order dated 02.02.2024 in
W.P.No.35245/2023)

.. Respondents



W.P.No.35245 of 2023

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to remove the unauthorized construction erected by the 2nd respondent by considering the petitioner's representation dated 18.09.2023 in accordance with law.

For Petitioner	::	No appearance
For Respondents	::	Mr.P.Srinivas Standing Counsel for R1 Mr.K.Karthikeyan for R2 Mr.R.Kumaravel Additional Government Pleader for R3 & R4

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

When the writ petition was listed earlier on 30.01.2024, this Court dictated the order in open Court. However, before signing the order, this Court found that the second respondent in the writ petition had taken a positive stand that the land belongs to the Government and not to the temple. If the property does not belong to local body, the first respondent cannot take any action as against the illegal construction or for removal of encroachment. It is in the said circumstances, we suo motu impleaded the District Collector, Tiruvarur and the Tahsildar, Mannargudi Taluk, as



W.P.No.35245 of 2023

respondents 3 & 4 in the writ petition, by order dated 02.02.2024. We also directed the petitioner to implead the person, who has put up the offending construction.

2. However, the learned counsel for petitioner was not present, when the matter was called on 01.03.2024. After recording the absence of the petitioner's counsel, this Court directed the matter to be listed under the caption 'for dismissal'. Though the matter is listed today under the caption 'for dismissal', there is no representation for the petitioner. Hence, this Court has no other option, but to dismiss the writ petition for non-prosecution. Accordingly, the writ petition stands dismissed for non-prosecution.

Index : yes/no
Neutral citation : yes/no
ss

(S.S.S.R.,J.) (G.A.M.,J.)
04.03.2024

To

1. The Commissioner
Mannargudi Municipality
Tiruvarur District



W.P.No.35245 of 2023

WEB COPY

2. The Executive Officer
Kamatchi Amman Koil
Kammala Street
Mannargudi
Tiruvarur District

3. The District Collector
Tiruvarur District

4. The Tahsildar
Mannargudi Taluk
Tiruvarur District



WEB COPY



W.P.No.35245 of 2023

S.S.SUNDAR,J.

AND

G.ARUL MURUGAN,J.

SS

W.P.No.35245 of 2023

04.03.2024