



W.P(MD)No.5641 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 24.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5641 of 2024

and

W.M.P(MD)Nos.5342 & 9891 of 2024

Thanjavur City Municipal Corporation
Employee Co-op Housing Society Ltd., T.1818,
Represented by its Secretary,
A.Sebasthiraj,
S/o.E.Arul Anandu,
Kauvery Super Market,
South Rampart,
Thanjavur – 613 001.

... Petitioner

Vs.

- 1.The State represented by
The Principal Secretary,
Municipal Administration and
Water Supply Department,
Fort St.George,
Secretariat,
Chennai – 600 009.
- 2.The Director of Municipal Administration,
75, Santhome High Road,
Pattinapakkam, MRC Nagar,
Raja Annamalai Puram,
Chennai – 600 004.



W.P(MD)No.5641 of 2024

3.The Commissioner,
Thanjavur Corporation,
Thanjavur.

4.S.Mahendran

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents or their men from putting up any constructions in the land in Survey No.328, Neelgiri Therku Thottam Village, Municipal Colony, Thanjavur belonging to the petitioner Society, without following the due process of law and consequently direct the third respondent forthwith to clear all constructions in the above land based on the petitioner's representation dated 06.03.2024.

For Petitioner : Mr.M.Rajarajan

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.1 & R.2

Mr.N.Dilip Kumar for R.3

Mr.A.Senthil Kumar for R.4

ORDER

Heard both sides.

2.The petitioner / Society had earlier filed W.P.No.11871 of 2004 seeking the following relief:



W.P(MD)No.5641 of 2024

WEB COPY

“Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondent herein namely the Commissioner, Thanjavur Municipality, Thanjavur, from interfering and putting up any construction in the land in S.No.328, situated at Neelagiri Therkku Thottam, Thanjavur Taluk and Thanjavur District, belonging to the petitioner society except by due process of law”.

The writ petition was dismissed for non-prosecution on 22.09.2017. The present writ petition has been filed without making reference to the earlier writ petition.

3.The learned counsel appearing for the petitioner states that the incumbent Secretary was not aware of the institution of the earlier writ petition. I do not want to go into the question whether there was willful suppression or not. The prayer in the writ petition is also identical. If the petitioner is still having any grievance, the petitioner has to necessary seek restoration of W.P.No.11871 of 2024. A fresh writ petition will not lie.



W.P(MD)No.5641 of 2024

4.This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

1.The Principal Secretary,
Municipal Administration and
Water Supply Department,
Fort St.George,
Secretariat,
Chennai – 600 009.

2.The Director of Municipal Administration,
75, Santhome High Road,
Pattinapakkam, MRC Nagar,
Raja Annamalai Puram,
Chennai – 600 004.



WEB COPY



W.P(MD)No.5641 of 2024

G.R.SWAMINATHAN,J.

MGA

W.P(MD)No.5641 of 2024

24.06.2024