



WMP(MD). No.10299 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Twenty Ninth day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

WMP(MD). No.10299 of 2024

in

W.P.(MD)No.24660 of 2023

Lakshmana Sundaram

... Petitioner/Petitioner

Vs

1 The Superintendent of Police
Pudukottai District Pudukottai

2 The Inspector of Police
J1 Iluppur Police Station Iluppur
Pudukottai District

3 Pandiyarajan
S/o.Rengasamy Mazhavaara Ennai Village
Iluppur Taluk Pudukottai District

... Respondents/Respondents

Prayer :-

Writ Miscellaneous Petition filed under Article 226 constitution of India to condone the delay of 103 days in filing restore petition in W.P.(MD).No.24660/2023, which was dismissed for default on 12.12.2023 and pass such other or further orders as this Honble Court.



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Prayer in W.P.(MD)No.24660 of 2023:-

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Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to provide sufficient police protection from the 3rd respondent and his men to fencing the petitioner land based on the petitioner complaint dated 21.09.2023.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. D. Ashokkumar, Advocate for the Petitioner and of Mr. E. Antony Sahaya Prabhakar, Additional Public Prosecutor for the 1st and 2nd respondents, this Court made the following order:

This petition is filed to condone the delay of 103 days in filing the restoration petition in W.P.(MD)No.24660 of 2023.

2. The learned Counsel for the petitioner submits that the writ petition was listed for hearing on 09.11.2023. Thereafter, the case was adjourned to 14.12.2023. However, the petition in WP(MD)No.10299 of 2024 was heard on 12.12.2023 and the same was dismissed for default.

3. In support of the contention of the petitioner, he has relied on the printout which has been taken from the e-court proceedings of the High Court. The



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document which has been referred by the petitioner herein is pertaining to a CMA and it is not pertaining to W.P.(MD)No.24660 of 2023. However, the learned Counsel for the petitioner attempted to project that the Court has wrongly listed the W.P.(MD)No.24660 of 2023 on 12.12.2023.

4. This Court has also verified the earlier order dated 09.11.2023 and it is seen that when the case was listed on 09.11.2023, there was no representation on behalf of the petitioner and therefore, the case was adjourned to 12.12.2023. Even on 12.12.2023, there was no representation on behalf of the petitioner. Therefore, this Court has dismissed the writ petition in W.P.(MD)No.24660 of 2023 by order dated 12.12.2023. The petitioner by referring another proceedings of the CMA has projected as if this writ petition was adjourned to 14.12.2023. In the proceedings which has been annexed in the typed set of papers, the present writ petition number is not mentioned. On one hand the petitioner has taken the stand that the case was wrongly listed on 12.12.2023, though it has been adjourned to 14.12.2023. According to the petitioner, he could not connect through the video conference on 09.11.2023. The fact remains that the case was listed on 12.12.2023. As per the orders available in W.P.(MD)No.24660 of 2023, the case has been adjourned to 12.12.2023 and the same was listed on 12.12.2023. Without even ascertaining the same, the petitioner is



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now making a plea, as if, the Registry has wrongly listed the matter on 12.12.2023, instead of 14.12.2023. Two different stands have been taken by the petitioner before this Court. In the affidavit filed in support of the application in WMP(MD)No.10299 of 2024 to condone the delay of 103 days, the petitioner is taking a plea that due to financial crisis he has not followed up with the Advocate. Since the petitioner is taking two different stands, this Court is not inclined to entertain this application.

5. Accordingly, this Miscellaneous Petition stands dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/09/2024

Sub Assistant Registrar
(CS-I, II, III, IV)

Jbr

TO

1. The Superintendent of Police
Pudukottai District Pudukottai
2. The Inspector of Police
J1 Iluppur Police Station Iluppur
Pudukottai District



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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 29/07/2024

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ORDER

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WMP(MD). No.10299 of 2024

in

W.P.(MD)No.24660 of 2023

Giving direction and etc.
as stated within.

RD(04/09/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.