

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-03-2015

CORAM

THE HONOURABLE MR.JUSTICE SATISH K.AGNIHOTRI

AND

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

WRIT PETITION No.508 of 2015

and

M.P.No.1 of 2015

T.Mathuram

.. Petitioner

vs

1.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 008

2.The Regional Joint Commissioner (South)
Corporation of Chennai
Latiz Bridge Road
Adyar, Chennai 600 020

3.Prasad Rao

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the second respondent herein bearing No.RJC(S) C No.A3/2798/2014 dated 24.6.2014, and quashing the same and directing the respondents 1 and 2 herein to forthwith remove the encroachment by the third respondent herein over the 20 feet road between Plot Nos.10 to 21 on the northern side and plot Nos.22 to 34 on the southern side in Survey No.317/1A2A1 and restore the road as per the approved DTP plan No.152 of 1973.

For Petitioner : Mr.AR.L.Sundaresan
Senior Counsel
for Ms.AL.Ganthimathi

For Respondents: Mr.A.Nagarajan for RR1 & 2

Mr.Pitty Parthasarathy
for Mr.G.Ethirajulu for R3

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

The learned Senior Counsel appearing for the petitioner, seeks permission of this Court to withdraw the writ petition with liberty to take recourse to the jurisdictional competent Civil Court. An endorsement to that effect has also been made by the learned Counsel for the petitioner, which reads as under:-

"Writ petition may be dismissed as withdrawn with liberty to file Civil Suit."

2.In view of the foregoing, the writ petition is dismissed as withdrawn with the afore-stated liberty. We make it clear that the competent Court while deciding the matter, may take up the issue on merit, without there being influenced by any of the observations made in the affidavits placed before us. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsv

To:

- 1.The Commissioner
Corporation of Chennai
Rippon Buildings
Chennai 600 008
- 2.The Regional Joint Commissioner (South)
Corporation of Chennai
Latiz Bridge Road
Adyar, Chennai 600 020

- + 1 cc to Mr.G. Ethirajulu, Advocate SR.15026
- + 1 cc to Mr.A.Nagarajan, Advocate SR.14790
- + 1 cc to A.C. Ganthimathi, Advocate SR.15094

RSY(CO)

EU 30.03.2015

सत्यमेव जयते

W.P.No.508 of 2015

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