

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.A.No.1059 of 2012

and M.P.No.1 of 2012

R.Sivaprakasam

... Appellant

Vs.

1. The Director of Backward Classes,
Ezilagam, Chepauk,
Chennai - 600 005.

2. The District Welfare Officer,
Backward Classes & Most Backward Classes,
Tiruvallur District,
Tiruvallur.

3. R.Soundarajan

... Respondents

Prayer: Writ Appeal filed under clause 15 of the Letters Patent,
against the order on the file of this Court dated 11.04.2012
made in W.P.No.18468 of 2011.

WP.No.18468 of 2011:Petition praying to issue a Writ of
Certiorarified Mandamus or any other appropriate Writ, order or
direction, in the nature of Writ by calling for the records of
the 2nd Respondent herein in Na.Ka.23234/2011/PNa1 dated
22/7/2011 and quash the same and directing the 2nd respondent
to handover the key of the premises bearing Door No.77 Gandhi
Road Thiruvallur Town Thiruvallur District.

For petitioner : Mr.A.Thiyagarajan, Senior Counsel
for Mr.G.Jermemiah

For R1 and R2 : Mr.N.Sakthivel,
Government Advocate

For R3 : Mr.M.Balasubramanian

JUDGMENT

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

By consent of all parties, the present Writ Appeal is taken
up for final disposal.

2. Before the Writ Court, the appellant sought for a writ
of certiorarified mandamus, to quash the order dated 22.07.2011

and consequently, prayed for a direction to the District Welfare Officer, Backward Classes & Most Backward Classes, Thiruvallur District, Thiruvallur, second respondent herein, to handover the key of the premises bearing Door No.77, Gandhi Road, Thiruvallur Town, Thiruvallur District. On contest, by the order dated 11.04.2012, in W.P.No.18468 of 2011, the Writ Court dismissed the writ petition. Being aggrieved by the same, the instant appeal is filed.

3. On this day, when the matter came up for hearing, Mr.A.Thiyagarajan, learned Senior Counsel appearing for the appellant and Mr.M.Balasubramanian, learned counsel appearing for the third respondent submitted that the suit in O.S.No.102 of 1999 filed by the appellant on the file of the Fast Track Court-III at Tiruvallur has been withdrawn.

4. R.Soundarajan, third respondent herein, has filed a suit in O.S.No.101 of 2011 on the file of the Subordinate Court, Thiruvallur, for the following relief.

"(a) For declaration that the settlement deed dated 10.12.1997 in favour of the defendant with regard to the suit item only is null and void and not binding on the plaintiff.

(b) For permanent injunction, restraining the defendant in any manner acting on the strength of the settlement deed.

(c) For costs of this suit."

5. Both the learned counsel for the parties submitted that they would adjudicate their inter se rights over the subject property, namely, the house and premises in Door No.77, in Chetty Street, Tiruvallur Town and Taluk, Tiruvallur District, measuring 24 feet east to west and 80 feet north to south (1920 sq. ft. inclusive of the western wall), in the suit in O.S.No.101 of 2011.

6. Placing on record the submission of both the learned counsel for the parties, the order impugned is sustained to the extent that the parties would adjudicate the inter se disputes in the suit as stated above.

7. The Writ Appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

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Sub-Assistant Registrar

To

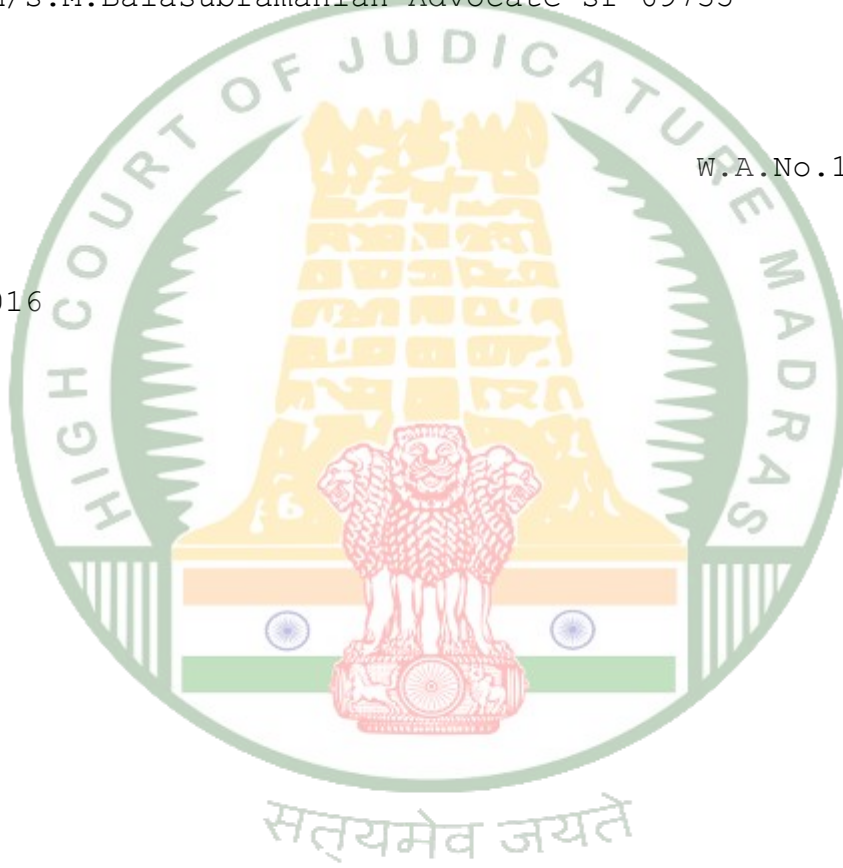
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Tiruvallur.

+1 cc to M/s.G.Jeremiah Advocate sr 70319

+1 cc to M/s.M.Balasubramanian Advocate sr 69735

W.A.No.1059 of 2012

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