

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.487 of 2015

And

M.P.No.1 of 2015

V.Vaijayanthi

... Appellant

Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The District Revenue Officer,
Kancheepuram District,
Kancheepuram.

3.The Revenue Divisional Officer,
Madurantakam, Kancheepuram District.

4.The Tahsildar,
Madurantakam Taluk,
Madurantakam, Kancheepuram District.

5.The Block Development Officer,
Madurantakam, Kancheepuram District.

6.P.Sanjeeva Reddy

7.G.Rajendran

8.V.Rajesh

9.N.Ramadas

10.V.Chandrasekaran

11.N.Vimala

12.Elumalai

13.R.Chamundeswari

14.K.Venkataperumal

15.V.Maheswari

16.K.Palayam

17.Mohana

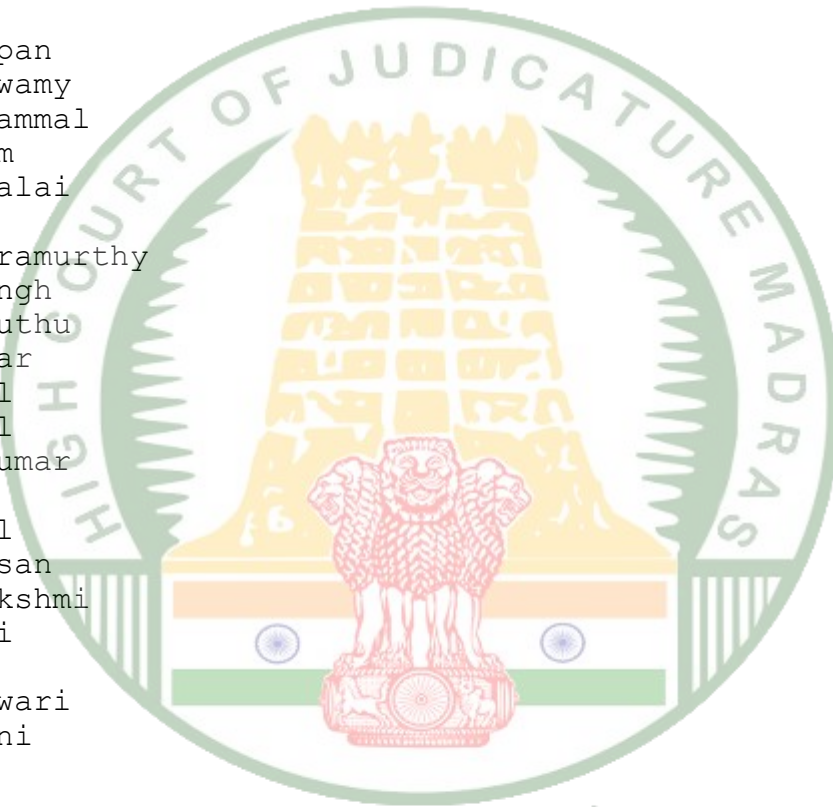
18.Velan

19.Vannan

सत्यमेव जयते
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20.Devanbu
21.Stella Mary
22.R.Kalep Vincent
23.Naguran
24.S.Uma Devi
25.Kalpana
26.Velayudham
27.S.Gomathi
28.Thirumalai
29.R.Muniandi
30.Isaak
31.Venkatraman
32.Muthalu
33.Chellappan
34.R.Munuswamy
35.M.Murugammal
36.Kambegam
37.Manimekalai
38.Anandhi
39.E.Sundaramurthy
40.Dhanasingh
41.A.Marimuthu
42.Ganasekar
43.G.Mathal
44.Dhanivel
45.T.Jayakumar
46.Pushpa
47.Dhanapal
48.Puviarasan
49.Bagyalakshmi
50.S.Murali
51.D.Ruban
52.D.Rajeswari
53.M.Bhavani

54.Usha
55.M.Yessiah
56.E.Jone
57.M.Violet Mari
58.Dhanalakshmi
59.A.Dhanam
60.A.Chittrai
61.A.Ramesh
62.Yesudoss
63.Stanley Padmaraj
64.Antony
65.Samy
66.B.Renuka
67.Ramachandran
68.Nagalakshmi



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69.C.Elumalai
70.C.Shenbagam
71.R.Sundaramurthy
72.Kanniappan
73.Chokkammal
74.K.Paramasasivan
75.R.Sachidanandam
76.Parimala
77.C.Nagalakshmi

... Respondents

Prayer:Writ appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 23.01.2015 in W.P.No.5315 of 2014.

WP.5315/14:Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to forbearing the respondents herein their men and subordinates or any other persons authorized by them from interfering with the peaceful possession of the petitioner agriculture land bearing patta No. 461 of an extent of Acre.07.10 cents in Survey No. 647/3 647/4 647/5 647/7 647/8 and 655/2 at Keeralvadi Village Zamin Endathur Group Madurantakam Taluk Kancheepuram District without following the due process of law.

For Appellant : Mr.AR.L.Sundaresan
Senior Counsel
for Mr.P.Murali

For Respondents: Ms.A.Srijayanthi for R1 to R5
Special Government Pleader
Mr.S.Ramesh for R6 to R77

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

After hearing the learned Senior Counsel appearing on behalf of the appellant at length and when it was pointed out as to whether this Court would be in a position to decide with regard to the existence of the road through the subject land, the learned Senior Counsel submitted that he would instruct the learned counsel on record to withdraw the very writ petition itself with liberty to approach the concerned Civil Court for appropriate relief.

2.The learned counsel on record has made an endorsement to that effect. In view of the endorsement so made, we permit the appellant to withdraw the writ petition in W.P.No.5315 of 2014. We make it clear that in case, the matter is taken up before Civil Court, the learned Civil Judge shall decide the suit in

accordance with law, after giving opportunity to all the parties to put forth their respective case.

3.We also make it clear that while dealing with the civil suit, the Civil Judge shall not be carried away by any of the observations made by the learned Single Judge in the order dated 23.01.2015 in W.P.No.5315 of 2014. We permit the parties to take up all the available contentions on facts as well as on law before the Civil Court.

4.The intra court appeal is disposed of as indicated above. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The District Revenue Officer,
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Kancheepuram.
- 3.The Revenue Divisional Officer,
Madurantakam, Kancheepuram District.
- 4.The Tahsildar,
Madurantakam Taluk,
Madurantakam, Kancheepuram District.
- 5.The Block Development Officer,
Madurantakam, Kancheepuram District.

+1cc to Mr.A.L.Gandhimathi, Advocate, S.R.No.75814
+1cc to Mr.A.L.Gandhimathi, Advocate, S.R.No.75489
+1cc to Mr.S.Ramesh, Advocate, S.R.No.75565

W.A.No.487 of 2015
And
M.P.No.1 of 2015

AD(CO)
GN(15/11/2017)