

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.10.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.2247 of 2013

N.S.Gomati ... Appellant/Petitioner

Vs

1.The Commissioner,
Urban Land Ceiling,
Ezhilagam, Chepauk, Chennai -5.

2.The Collector,
Kancheepuram District, Kancheepuram.

3.The Tahsildar,
Tambaram.

... Respondents/Respondents

Prayer:- Writ Appeal filed under clause 15 of Letters Patent,
against the order made in W.P.No.24753 of 2013 dated
06.09.2013.

W.P.No.24753 of 2013 : This Petition filed under Article 226
of the Constitution of India, seeking for a Writ of Mandamus,
directing the 1st respondent to restore the portion of the
petitioners land coming under S.No.69/1 (Part) measuring an
extent of 2040 sq.ft. in Pammal Village, Pallavaram,
Kancheepuram District in view of the repeal of Urban Land
Ceiling Act by making necessary amendments in the Revenue
Records in due compliance with the Application of the
petitioner submitted in Ref. No.1194 dated 12.7.2009 and
further direct the 2nd respondent to issue patta in respect of
the said property through the 3rd respondent.

For Appellant : Mr.M.Arumugam

For Respondents : Mr.A.Zakir Hussain
Government Advocate

J U D G M E N T

K.K. SASIDHARAN, J.

When it was made known to the learned counsel for the
appellant as to how the appellant is entitled for a writ in
the nature of a Writ of Mandamus to direct the Commissioner,
Urban Land Ceiling, Ezhilagam, Chennai, to restore her

property in S.No.69/1 (Part) in Pammal Village, Pallavaram, Kancheepuram District, the learned counsel submitted that he is withdrawing the very writ petition with liberty to approach the concerned civil court. He has also made an endorsement to that effect.

2. In view of the endorsement made by the learned counsel for the appellant, we permit the appellant to withdraw the writ petition in W.P.No.24753 of 2013 with liberty to approach the proper forum for appropriate relief. However, we make it clear that the expression "liberty" should not be construed to be an expression of opinion on the merits of the matter. In short, it is for the concerned authority to decide the matter purely on merits and as per law.

3. In view of the dismissal of the writ petition in W.P.No.24753 of 2013 as not pressed, nothing survives for adjudication in this intra court appeal.

4. The intra court appeal is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
Urban Land Ceiling,
Ezhilagam, Chepauk, Chennai -5.

2.The Collector,
Kancheepuram District,
Kancheepuram.

3.The Tahsildar,
Tambaram.

+lcc to Mr.M.Arumugam, Advocate, S.R.No.72034
+lcc to the Government Pleader, S.R.No.72688

W.A No.2247 of 2013

SR(CO)
CA(20/11/2017)