

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2017

CORAM :

THE HONOURABLE MR. JUSTICE P.D.AUDIKESAVALU

W.P.No.13735 of 2008

and

M.P.Nos. 1 and 2 of 2008

St. Patrick Higher Secondary School
Crescent Road, Gandhi Nagar
Adayar, Chennai - 20
Rep. by its Head Master
Bro. Paulachan

... Petitioner

Vs.

1. The Collector of Chennai
Singaravelar Maligai
Rajaji Salai, Chennai - 1.
2. The District Revenue Officer
Chennai District
Singaravelar Maligai
Rajaji Salai, Chennai - 1.

3. Mr.V.Santhanam

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the second respondent from proceeding with an enquiry on the appeal / representation dated 08.04.2008 filed by the third respondent till a final decision is taken in the civil proceedings initiated by third respondent, which is pending in appeal bearing A.S.Nos. 244 and 245 of 2007 on the file of V Additional City Civil Court, Chennai filed by the third respondent pertaining to the property situated at Kottur Village, comprised in Survey Nos.9/1 and 9/2 ad-measuring an extent of more than 36 acres and 5 cents.

For Petitioner : Mr.M.L.Ganesh

For Respondents : Mr.M.Elumalai [For R1 & R2]
Government Advocate
No appearance [For R3]

O R D E R

The petitioner has filed the writ petition seeking a direction, forbearing the second respondent /District Revenue Officer, Chennai from proceeding with an enquiry on the appeal / representation dated 08.04.2008 filed by the third respondent till a final decision is taken in the civil proceedings initiated by third respondent, which is pending in appeal bearing A.S.Nos. 244 and 245 of 2007 on the file of V Additional City Civil Court, Chennai filed by the third respondent pertaining to the property comprised in Survey Nos.9/1 and 9/2 ad-measuring an extent of more than 36 acres and 5 cents at Kottur Village.

2.Today, when the matter is taken up for hearing Mr.M.L.Ganesh, learned counsel appearing for the petitioner represents that the appeal bearing A.S.Nos. 244 and 245 of 2007 have been dismissed resulting in the matter having been decided in favour of the petitioner and that no notice has been received by the petitioner in any further second appeals preferred by the third respondent against the judgment in the said appeals. It is also submitted that the petitioner institution is taking legal steps through due process of law in the matter.

3.In view of the aforesaid developments that have taken place subsequent to the filing of this writ petition, nothing remains for adjudication.

4.Recording the same, the Writ Petition is disposed of accordingly, with an observation that if any enquiry is conducted by the second respondent, the findings in aforesaid judgment in A.S.Nos.244 and 245 of 2007 passed by the V Additional Judge, City Civil Court, Chennai shall be duly taken into account while deciding the matter. No costs. Consequently, connected miscellaneous petitions are closed.

may a

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Collector of Chennai
Singaravelar Maligai
Rajaji Salai, Chennai - 1.

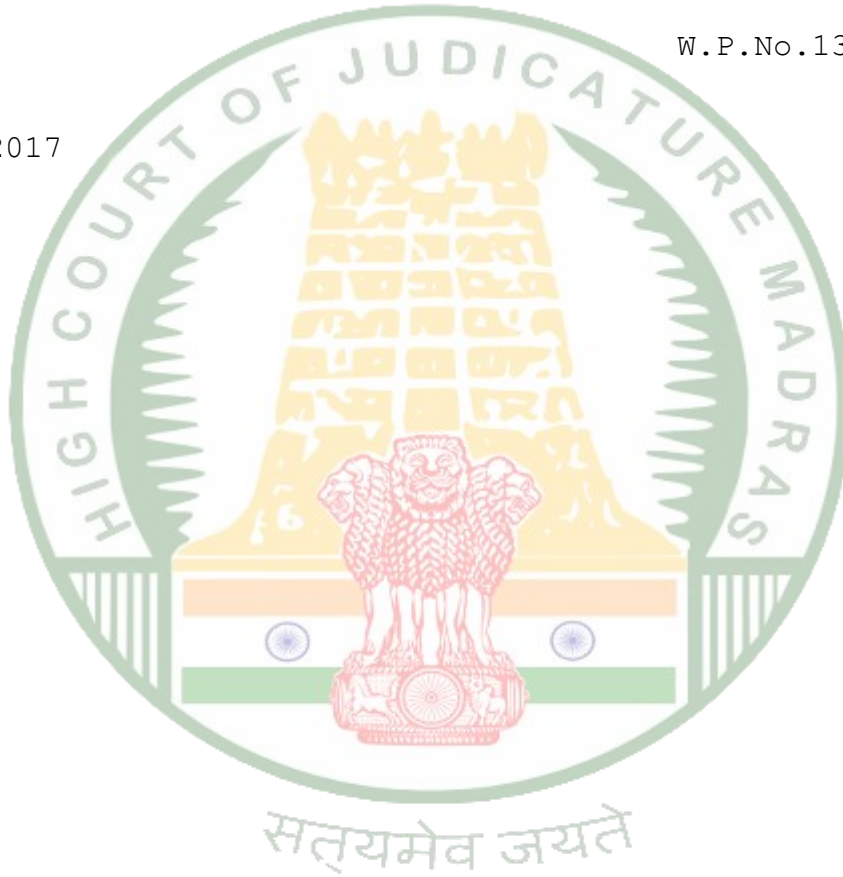
2. The District Revenue Officer
Chennai District
Singaravelar Maligai
Rajaji Salai, Chennai - 1.

+1 C.C. to MR.M.L.GANESH Advocate SR.NO.69387

+1 C.C. to The Government Pleader, High Court, Chennai-
104 SR.NO. 70905

W.P.No.13735 of 2008

KJI (CO)
VS 26.10.2017



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