

In the High Court of Judicature at Madras

Dated: 04.04.2018

Coram

The Honourable Mr.JUSTICE K.K.SASIDHARAN

and

The Honourable Mr.JUSTICE R.SUBRAMANIAN

Writ Appeal Nos.922 and 1406 of 2017
and C.M.P.No.12855 of 2017

A.Manimekalai Appellant in both W.As 922 & 1406/17

Vs.

1. The Commissioner of Land Administration,
Chepauk, Chennai - 600 005.
2. The District Collector,
Kancheepuram,
Collectorate Office,
Kancheepuram.
3. The Thasildar,
Chengalpattu, Kancheepuram.
..... Respondents in both W.As 922 & 1406/17
4. The Thasildar,
Thiruporur Taluk,
Thiruporur,
Kanchipuram District.
..... Respondent in W.A.No.922 of 2017

APPEALS filed under Clause 15 of the Letters Patent against the order dated 19.04.2017 made in Review Application No.19 of 2017 in W.P.No.11764 of 2009 and order dated 05.08.2013 made in W.P.No.11764 of 2009 on the file of this Court.

PRAYER IN WP.11764 of 2009:

Petition Under Article 226 of the Constitution of India praying for the issue a writ of Certiorarified mandamus to call for records ending with the order of 1st respondent made in proceedings R. Dis. No. F2/35344/05 dated 22.4.2009 confirming the order of 2nd respondent made in proceedings Na. Ka. 24608/2003/B1 dated 19.8.2005 and to quash the same and

consequently direct the respondents to assign the alternate land as per the proposal of the 3rd respondent in his proceedings R.C. 1647/2003/B1 dated 31.3.2005 by assigning 5 acres of land in Thaiyur B Village comprised in S.No. 1395-C/3A, 1279-6A, 6B1, 6B2 and 1299.

For Appellant : Mr.R.Doraisamy, S.C.
For M/s.Muthumani Doraisamy
For Respondents: Mr.U.Anandhamoorthy, AGP

C O M M O N J U D G M E N T

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

Learned counsel for the appellant, who is on record, has made an endorsement indicating that he is withdrawing the intra court appeals with liberty to file a Civil Suit before the appropriate Court.

2. The issue raised in these appeals cannot be decided on the basis of the affidavit, counter affidavit and documents. When this was pointed out, learned senior counsel for the appellant has fairly submitted that he would advise the party to file a Civil Suit instead of pursuing the appeals. It is only under the said circumstance, learned counsel has made the endorsement.

3. Both the intra court appeals are dismissed as withdrawn with liberty to file a Civil Suit before the appropriate Court. Consequently, C.M.P.No.12855 of 2017 is also dismissed. No costs.

4. We make it clear that in case any such Civil Suit is filed, the observation made in this order would not stand in the way of taking a decision on merits and as per law. In short, the Civil Suit shall be decided on merits and as per law uninfluenced by any of the observation made in orders dated 19.04.2017 05.08.2013 in Review Application No.19 of 2017 and W.P.No.11764 of 2009 respectively.

Sd/-
Assistant Registrar(CS-ix)

//True Copy//

Sub Assistant Registrar

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To

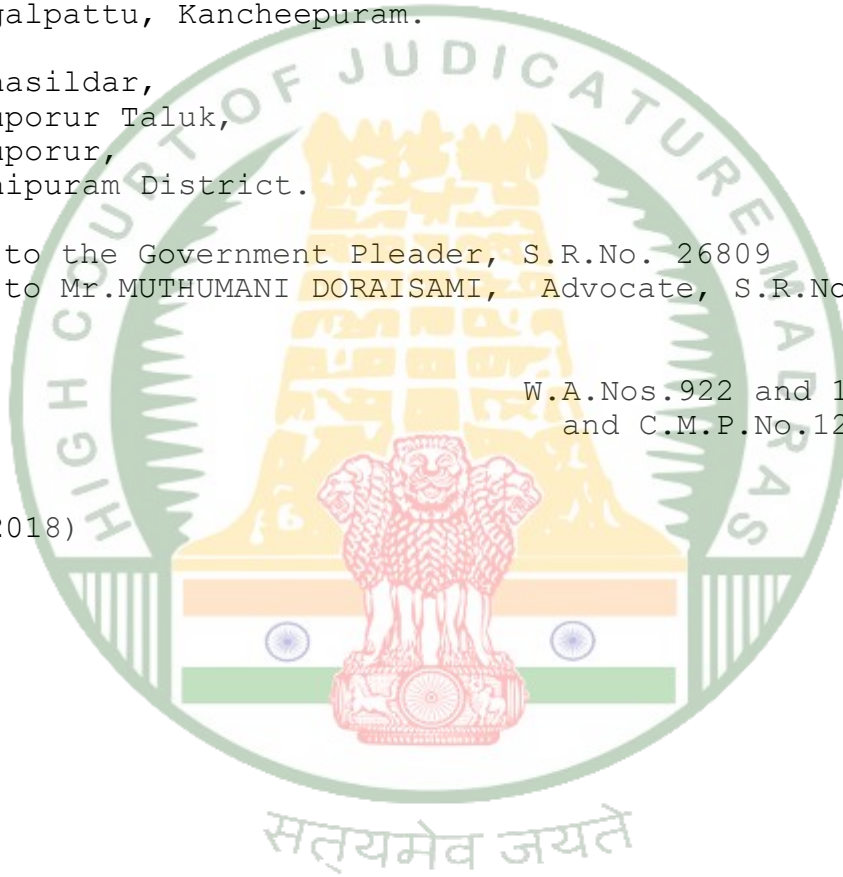
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4. The Thasildar,
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Thiruporur,
Kanchipuram District.

+1cc to the Government Pleader, S.R.No. 26809

+2cc to Mr.MUTHUMANI DORAISAMI, Advocate, S.R.No. 24756,
24755

W.A.Nos.922 and 1406 of 2017
and C.M.P.No.12855 of 2017

KAN (CO)
TR(25/04/2018)



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