

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2018

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.17498 of 2017  
and WMP.No.18983 of 2017

P.Sundarajan

... Petitioner

-Vs-

1.State of Tamil Nadu

Rep by Secretary to Government  
Housing and Urban Development  
Fort St.George, Chennai - 600 009.

2.Tamil Nadu Housing Board

Rep by its Chairman  
Nandanam, Chennai - 600 035.

3.The Executive Engineer and  
Administrative Officer

T.N.H.B. Mogappair Division  
3<sup>rd</sup> Floor, Arignar Anna Shopping Complex  
Thirumangalam, Chennai - 600 101. ... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration to declare that the land acquisition proceedings initiated by the respondents in G.O.Ms.No.261-Housing, 23.10.1975 published in Government Gazette dated 12.11.1975 under the Land Acquisition Act, 1894 in respect of land measuring 54 cents comprised in Survey No.350/2 situated in Mogappair Village, Ambattur Taluk, Tiruvallur, have lapsed as per the provisions of Sec.24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013).

For Petitioner : Mr.S.P.Sudalaiyandi

For Respondents : Mr.Akhil Akbar Ali  
Government Advocate [for R1]  
Mr.B.Vivekavannan [ for R2 & R3]

ORDER

The learned counsel for the petitioner submits that he is withdrawing this writ petition and he has made necessary endorsement in the case bundle.

2. Intervening the matter, Mr.B.Vivekavannan, learned counsel appearing for the first and second respondents submitted that a counter along with typed set of papers have been filed alleging that the petitioner has sold the property/fabricated the documents in favour of others, with the sole intention to defeat the acquisition made and his present prayer to withdraw this petition is a ruse to facilitate a possible, if not potentially misuse of sale deeds so made. He added that the entire property acquired has been fully utilised.

3. The basic principle is that the petitioner being the architect of the petition, will be at liberty to prosecute it or to withdraw it. The role of the Court comes to play only if the petitioner seeks to withdraw the petition with the leave to file a second petition on the same cause of action, but that however was not intended/admitted by the petitioner. As to the apprehension of the learned counsel appearing for the Tamil Nadu Housing Board that the sale deeds alleged by him as having been fabricated/brought into existence with a solitary idea of defeating the acquisition proceedings is concerned, the Government may proceed against such alleged transactions separately as per law.

With the above observation, this writ petition is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

1.The Secretary to Government  
State of Tamil Nadu  
Housing and Urban Development  
Fort St.George, Chennai - 600 009.

2.The Chairman  
Tamil Nadu Housing Board  
Nandanam, Chennai - 600 035.

3.The Executive Engineer and Administrative Officer  
T.N.H.B. Mogappair Division  
3<sup>rd</sup> Floor, Arignar Anna Shopping Complex  
Thirumangalam, Chennai - 600 101.

+lcc to Mr.B.VIVEKA VANAN Advocate, S.R.No. 135

W.P.No.17498 of 2017

TR(18/01/2018)



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