

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2018

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.166 of 2007

Hotel Saravana Bhavan
Rep.by its Partner P.Rajagopal,
19, Vadapalani Andavar Koil Street,
Vadapalani,
Chennai 600 026.

... Plaintiff

Vs.

1.Special Commissioner,
Commissioner of Land Administration,
Chepauk, Chennai 600 005.

2.The District Collector,
Chennai District,
Chennai 600 001.

3.The District Revenue Officer,
Chennai.

4.The Tahsildar,
Egmore,
Nungambakkam Taluk,
Chennai.

5.S.Sathyarayanan

[The 5th defendant impleaded as per Order
dated 01.04.2011 made in A.No.705 of
2014 in C.S.No.166 of 2007]

... Defendants

Plaint filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of the Civil Procedure Code praying to pass a judgment and decree:

(a) declaring that the plaintiff is the absolute owner of the property measuring an extent of 3 acre 45 cents in Survey No.151 Koyambedu Village, Egmore, Nungambakkam, Taluk, Chennai District more fully described in the schedule hereunder;

(b) granting an order of permanent injunction restraining the defendants their men, agents, servants or subordinates etc., from in any way interfering with the peaceful possession and enjoyment of the plaintiff in respect of the suit property measuring an extent of 3 acre 45 cents in Survey No.151 Koyambedu Village, Egmore-Nungambakkam Taluk, Chennai District more fully described in the schedule hereunder'

(c) granting an order of permanent injunction restraining the defendants from assigning or transferring the same or in any manner dealing with the suit property measuring an extent of 3 acre 45 cents in Survey No.151 Koyambedu Village, Egmore-Nungambakkam Taluk, Chennai District;

(d) to pay the cost of the suit.

For Plaintiff : Mr.M.Sriram
 For defendants : Mr.A.Devnarenderan,
 Government Advocate for D1 to D4
 Mr.P.G.Padmanabhan for D5

JUDGMENT

Mr.Sriram, learned counsel appearing for the plaintiff seeks to withdraw the suit and he has also made an endorsement to that effect.

2. In view of the same, the suit is dismissed as withdrawn. No costs.

28.03.2018

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

List of the witnesses examined on the side of the plaintiffs:

PW1 - Mr.R.Saravanan

List of Exhibits marked on the side of the plaintiffs:

Sl. No.	Exhibits	Description	Dated
1	Ex.P1	The certified copy of sale deed in Doc.No.219/1934	09.02.1934
2	Ex.P2	The certified copy of sale deed in Doc.No.491/1935	23.05.1935
3	Ex.P3	The certified copy of sale deed in Doc.No.2006/1935	22.12.1936
4	Ex.P4	The certified copy of sale deed in Doc.No.1830/1943	20.09.1943
5	Ex.P5	The certified copy of sale deed in Doc.No.566/1943	11.03.1943
6	Ex.P6	The certified copy of sale deed in Doc.No.2459/1943	17.11.1943
7	Ex.P7	The certified copy of sale deed in Doc.No.756/1953	19.02.1953
8	Ex.P8	Information that Doc.No.3425/1964 fully damaged issued by the Registration Department (Original)	--
9	Ex.P9	The certified copy of sale deed in Doc.No.2763/1970	01.09.1970
10	Ex.P10	Photocopy of Registration Certificate of Plaintiff's Firm.	22.09.1989
11	Ex.P11	The certified copy of sale deed in Doc.No.1394/1994	10.04.1994
12	Ex.P12	The certified copy of sale deed in Doc.No.1445/1994	10.04.1994
13	Ex.P13	The certified copy of sale deed in Doc.No.1446/1994	10.04.1994
14	Ex.P14	The certified copy of sale deed in Doc.No.1478/1994	10.04.1994
15	Ex.P15	The certified copy of sale deed in	10.04.1994

Sl. No.	Exhibits	Description	Dated
		Doc.No.1479/1994	
16	Ex.P16	The certified copy of sale deed in Doc.No.1492/1994	10.04.1994
17	Ex.P17	The certified copy of sale deed in Doc.No.1493/1994	10.04.1994
18	Ex.P18	The certified copy of sale deed in Doc.No.2091/1996	29.03.1996
19	Ex.P19	The certified copy of sale deed in Doc.No.2092/1996	29.03.1996
20	Ex.P20	The certified copy of sale deed in Doc.No.2093/1996	29.03.1996
21	Ex.P21	The certified copy of sale deed in Doc.No.2094/1996	29.03.1996
22	Ex.P22	Original certificate by Tahsildar, Egmore, Nungambakkam Taluk evidencing possession of the vendors of the plaintiff	23.07.1983
23	Ex.P23	Original order by Tahsildar, Egmore, Chennai	12.08.1983
24	Ex.P24	Original Letter from DRO, Chennai to plaintiff	23.04.2004
25	Ex.P25	Original Notice from Assistant Commissioner (ULC) to plaintiff	20.04.2005
26	Ex.P26 (series)	Original notice under Section 80 CPC along with four acknowledgments	25.12.2005
27	Ex.P27	Photocopy of written statement filed by the plaintiff in O.S.No.2609 of 2013 on the file of the IV Assistant City Civil Court	--
28	Ex.P28	Certified copy of the plaint in O.S.No.402 of 1945 on the file of the DMC, Poonamalee	--
29	Ex.P29	Certified copy of written statement in O.S.No.402 of 1945 on the file of the DMC, Poonamalee filed by defendants 2 and 3	--
30	Ex.P30	Certified copy of Common Judgment and Decree in O.S.No.402, 403 and 635 of 1945 on the file of DMC, Poonamalee	11.11.1946

Sl. No.	Exhibits	Description	Dated
31	Ex.P31	Certified copy of Common judgment in A.S.No.82, 93 and 94 of 1947 on the file of D.J., Chengalpattu	29.10.1947
32	Ex.P32	Certified copy of the common judgment in S.A.No.718 of 1948, 749 of 1948 and 794 of 1948	26.10.1951
33	Ex.P33	Certified copy of the affidavit filed in W.P.No.23589 of 2005 by the plaintiff herein	--
34	Ex.P34	Certified copy of the counter affidavit filed by the District Collector in W.P.No.23589 of 2005	--
35	Ex.P35	Certified copy of the counter affidavit filed by the Commissioner of Land Administration in W.P.No.23589 of 2005	--

List of the witnesses examined on the side of the defendants: NIL

List of Exhibits marked on the side of the defendants: NIL

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R.SUBRAMANIAN, J.

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