

In the High Court of Judicature at Madras

Dated : 08.3.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM
and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Writ Appeal No.754 of 2019 & CMP.No.6024 of 2019

D.Vellayan

...Appellant

Vs

1.The District Collector, Salem
District, Salem.

2.The Tahsildar, Gangavalli Taluk,
Salem District.

3.The Village Administrative Officer,
Thambampatti Village, Gangavalli
Taluk, Salem District. 636113

...Respondents

APPEAL under Clause 15 of the Letters Patent against
the interim order dated 24.8.2018 passed in W.P.No.3586 of
2013.

Prayer in W.P.No.3586 of 2013:

Writ of Mandamus Directing the respondents to consider
the Petition dated 17.12.2012 requesting to issue patta for
the dwelling house property of the petitioner situated in
New No.46, Old No.29C in S.No.324, 13th Ward, nearby to the
Village Road between Chinnathoppu Mariamman Temple point
through the Panamthoppu Mariamman Koil touching the
Thammampatti to Thuraiyur Main Road at both ends in
Kattukottai, Thammampatti Village, Gangavalli Taluk, Salem
District .

For Appellant :

Mr.M.Vijayakumar

For Respondents :

Mr.R.P.Prathap Singh, GA

Judgment was delivered by T.S.SIVAGNANAM, J

We have heard Mr.M.Vijayakumar, learned counsel for
the appellant and Mr.R.P.Prathap Singh, learned Government
Advocate accepting notice for the respondents.

2. This appeal is directed against the order dated
24.8.2018 in W.P.No. 3586 of 2013.

3. The learned counsel for the appellant, after some arguments, submits that the appellant may be permitted to withdraw the said writ petition on the ground that the appellant would like to pursue the remedy before the Authorities.

4. It is seen that the learned Single Judge dismissed the said writ petition making certain observations based on the counter filed by the second respondent. We notice that the said writ petition was filed seeking only a Writ of Mandamus to consider the petition dated 17.12.2012 for issuance of patta. Considering these facts, we permit the appellant to withdraw the said writ petition.

5. Accordingly, W.P.No.3586 of 2013 is dismissed as withdrawn. It is open to the appellant to approach the appropriate Authorities for necessary relief. It is made clear that in the event the appellant approaches the Authorities concerned, they shall take a decision on merits and in accordance with law without being influenced in any manner by the observations made by the learned Single Judge in the said writ petition. The writ appeal is disposed of accordingly. No costs. Consequently, the connected CMP is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

RS

To

1.The District Collector, Salem District, Salem.

2.The Tahsildar, Gangavalli Taluk, Salem District.

3.The Village Administrative Officer, Thambampatti Village,
Gangavalli Taluk,
Salem District. 636113

+1cc to Mr.S.Marimuthu , Advocate SR.No. 22279

+1 cc to Government Pleader SR.NO. 22645

WA.No.754 of 2019 &
CMP.No.6024 of 2019

A.SK(25/04/2019)