

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 33063 of 2019
and
W.M.P. No. 33495 of 2019

R. Devadoss

... Petitioner

-vs-

1. The Commissioner,
Kattankulathur Panchayat Union,
Chengalpattu Taluk,
Kancheepuram District.
 2. The Director of Panchayat,
MRC Nagar,
Chennai - 600 028.
 3. The Member Secretary,
Chennai Metropolitan Development Authority,
No. 1, Gandhi Irwin Road,
Egmore,
Chennai.
 4. The District Collector,
Kancheepuram District.
 5. The Superintendent of Police,
Kancheepuram District.
 6. Sivashankar Real Estate Pvt. Ltd.,
Rep. by its Managing Director,
Mr. A. Sivashankar,
No. 1/460, Mount Poonamalle Road,
Iyyapanthangal,
Chennai - 600 056.
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to stop from proceeding with laying the road in the property situate at Kolapakkam Village, Nedungundram Village, Kattankulathur Panchayat, Chengalpet Taluk, Kancheepuram District comprised in S. No. 21/1 armed with

the gift deed dated 02.04.2019 registered as document No. 4299 of 2019 on the file of SRO, Guduvanchery pursuant to power of attorney obtained by fraud and misrepresentation.

For Petitioner : Mr. Naresh Vasudevan for
Mr. K.G. Vasudevan

For Respondents: Mr. R.P. Pratap Singh,
Government Advocate (for R1)

Mrs. A.B. Reehana Begum,
Government Advocate
(for R2, R4 and R5)

Mr. Karthick Rajan (for R3)

Mr. K. Balu (for R6)

O R D E R

Learned Counsel for the parties submit that already a civil suit in O.S. No. 167 of 2019 on the file of the District Munsif Court, Chengalpet, has been instituted by the Petitioner in respect of cancellation of gift deed, which is the subject matter of this Writ Petition. It is further stated that application for interim injunction has been filed in that suit. In view of the same, Learned Counsel appearing for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to work out his remedy in that application for interim injunction and he has made an endorsement to that effect, which is recorded.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. If such application has been filed by the Petitioner, the Lower Court shall endeavour to expeditiously dispose the same on merits in accordance with law after affording full opportunity of hearing to all parties concerned. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

vjt

To

1. The Commissioner,
Kattankulathur Panchayat Union,
Chengalpattu Taluk,
Kancheepuram District.
2. The Director of Panchayat,
MRC Nagar,
Chennai - 600 028.
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Egmore,
Chennai.
4. The District Collector,
Kancheepuram District.
5. The Superintendent of Police,
Kancheepuram District.

Copy to:

The District Munsif,
Chengalpet.

+1cc to Mr.K. Balu, Advocate SR.No.11132

+1cc to Mr.R.P. Pratap Singh, Advocate SR.No.11216

+1cc to Government Pleader SR.No.11805

W.P. No. 33063 of 2019

GMV (07/05/2020)

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