



S.A.No.654 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.09.2023

Coram :

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Second Appeal No. 654 of 2023
and C.M.P.No.20853 of 2023

S.Sudhan

.. Appellant

Versus

1.The State of Tamil Nadu,
Rep., by District Collector,
Tiruppur.

2.The Special Tahsildar,
Adi Dravida Welfare, Tiruppur Taluk,
Tiruppur.

3.The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur.

.. Respondents

Second Appeal filed under Section 100 C.P.C., against the judgment and decree dated 17.02.2020 made in A.S. No.20 of 2019 on the file of the Additional Subordinate Judge, Tiruppur, in confirming the judgment and decree dated 25.02.2019 made in O.S.No.182 of 2009 on the file of the District Munsif, Tiruppur.



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For Appellant : Mr.V.Raghavachari, S.C., for
Ms.Kavitha Deenadayalan

For Respondents : Dr. S. Suriya,
Additional Govt. Pleader for R1 & R2

Mr.Abishek Murthy, Standing Counsel
for Tiruppur Corporation- R3

JUDGMENT

The unsuccessful plaintiff, who lost his case before both the Courts below, has filed the present second appeal.

2. The factual background of the case is as under:-

i) The suit properties originally belonged to the ancestors of the plaintiff and subsequently, it devolved upon him.

ii) In the year 1966, the Government of Tamil Nadu had initiated steps to acquire some lands for house sites for Adi Dravida Community People and accordingly, the suit properties were acquired and compensation was paid.

iii) Despite the acquisition proceedings initiated by the Government, the plaintiff claimed to have continued to be in possession of



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the suit properties for more than three decades and thereby, sought for a permanent injunction against the defendant-Government authorities contending that any proceedings initiated by the Government in respect of the properties becomes null and void and unenforceable after a period of 30 years.

iv) Contending further that pending the suit, the defendants had put up some structures over the suit property, the plaintiff had sought for mandatory injunction for removal of the same.

v) The suit was resisted by the defendants on merits. The Trial Court after analysing the entire oral and documentary evidence, dismissed the suit and the same was confirmed by the first appellate court. Aggrieved against the same, the present Second Appeal has been filed by the plaintiff.

3. Heard Mr.V.Raghavachari, learned Senior Counsel appearing for the appellant, Dr.S.Suriya, learned Additional Government Pleader for respondents 1 and 2 and Mr.Abishek Murthy, learned Standing Counsel for the third respondent at length.



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4. During the course of arguments, the learned Standing Counsel appearing for the third respondent-Tiruppur Corporation brought to the notice of the court that the suit property has been acquired by the Government, the compensation has been paid to the grandfather of the appellant/plaintiff, possession of entire suit property viz., 1.90 acres in S.F.No.253/2 has been taken over by the Government whereupon, a hostel has been constructed for the students belonging to Adi Dravidar Community.

5. At this stage, Ms.Kavitha Deenadayalan, learned counsel for the appellant on record sought for permission of the court to withdraw the Second Appeal and accordingly, she has filed a memo seeking to withdraw the Second Appeal contending that a representation dated 22.9.2023 has been submitted by the appellant to the first respondent requesting to confirm the right of possession of the suit schedule land excluding the portion of the land, which has been put to use by the respondents and the same is under consideration of the first respondent.



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6. In view of the above, the Second Appeal is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is also dismissed.

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To

- 1.The Additional Subordinate Judge,
Tiruppur.
- 2.The District Munsif,
Tiruppur.
- 3.The Record Keeper,
V.R.Section, High Court, Madras.



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A.D.JAGADISH CHANDIRA,J.

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