



W.P(MD)No.26024 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 31.10.2023

Coram

THE HON'BLE MR.JUSTICE **M.SUNDAR**
and
THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

W.P(MD)No.26024 of 2023

Chinna Kandasamy

.. Petitioner

VS

1.The District Collector,
Dindigul District.

2.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

3.The Village Administrative Office,
Puliyurnatham Village,
Oddanchatram Taluk,
Dindigul District.

4.Susila
5.Natarajan
6.Tamilselvi

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 6 on the



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detailed pathway passing through Survey Nos.462, 463/1 and 463/2 at Puliurnatham Village by considering his representation dated 28.04.2023 within a time frame.

For Petitioner : Mr.D.Venkatesh

For Respondent Nos.1 to 3 : Mr.P.Thilak Kumar
Government Pleader

ORDER

[Order of the Court was made by M.SUNDAR, J.]

When the matter was taken up Mr.D.Venkatesh, learned counsel on record for petitioner on realizing that this is a matter where the petitioner has to approach the civil Court sought leave of this Court to withdraw the captioned matter [made a plea not to impose costs] but made a further plea to preserve all the rights and contentions of the petitioner to approach a civil Court with regard to the pathway issue which has been raised in the captioned Writ Petition which has been styled as a Public Interest Litigation.

2.Learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:



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Writ Petition may be dismissed
with liberty to file a civil
suit for the same remedy

D. Venkatesh
31/10/23.
Cmld for Petition
(D. VENKATESH)

3. In the light of the narrative thus far, captioned Writ Petition is disposed of as closed/withdrawn albeit preserving all the rights and contentions of the petitioner to approach a civil Court on the same issue which is the subject matter of the captioned Writ Petition.



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4.Though obvious we make it clear that if the petitioner approaches the civil Court, civil Court shall deal with the matter on its own merits and in accordance with law untrammelled by the closure/withdrawal of the captioned Writ Petition.

5.In the light of the request of learned counsel for PIL petitioner, we refrain from imposing costs.

(M.S.,J.) (R.S.V.,J.)
31.10.2023

Index : Yes/No
Neutral Citation : Yes/No
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