



W.P(MD)No.30950 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

W.P(MD)No.30950 of 2023

Kottursamy

... Petitioner

vs.

1. The District Collector,
District Collector Office, Tenkasi District.
- 2 . The Revenue Divisional Officer,
Revenue Divisional Office,
Tenkasi District.
3. The Tahsildar
Kadaiyanallur Taluk, Tenkasi District.
4. The Block Development Officer
(Village Panchayats),
Vasudevanallur, Tenkasi District.
5. The Assistance Director (Panchayat),
Office of the Assistance Director,
District Collectorate Office,
Tenkasi District.



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6. The Panchayat President,
Nagaram Village, Kadaiyanallur Taluk,
Tenkasi District.

7. The Village Administrative Officer,
Office of Village Administrative Officer,
Nagaram Village, Tenkasi District.

8. Muthukumar

9. Aarumugam Settiyar

10. Poochaithdurai

11. Eshwaran

12. Sollamadan

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent Nos. 1 to 7 to remove the encroachments made by the respondent Nos. 8 to 12 in the pathway land which is situated in Survey Nos. 70 71 and 76 at Eatcham Pottalpudur Nagaram Village, Tenkasi District by considering petitioner's representations dated 22.08.2022 and 15.12.2023 within a time stipulated that may be fixed by this Court.

For Petitioner

: Mr.R.Karunanidhi

For Respondents

: Mr.M.Senthil Ayyanar
Government Advocate
for R1 to R7



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ORDER

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

Captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity) has been filed in this Court on 20.12.2023.

2. When the captioned WP was taken up, it came to light that revenue records pertaining to 'Survey Nos.70, 71 and 76 of Eatcham Pottalpudur Nagaram Village, Tenkasi District' (hereinafter 'said lands' for the sake of brevity) has not been placed before this Court. To be noted, encroachment of said lands is the subject matter of captioned WP which has been filed as a 'Public Interest Litigation' (hereinafter 'PIL' for the sake of brevity).

3. Faced with the above situation, Mr.R.Karunanidhi, learned counsel on record sought leave of this Court to withdraw the captioned WP but made a plea to preserve all the rights and contentions of WP petitioner and or anyone concerned qua said lands to come to this Court with the same/similar prayer after including materials in support of PIL petitioner's case.



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

Petitioner may be permitted
to withdraw the writ petition
to file a fresh writ petition.
with liberty.
R. Laxmi
22/12/23
(Counsel for the Petitioner)

5. In the light of the narrative thus far, captioned WP is disposed of as withdrawn/closed albeit preserving all the rights and contentions of WP petitioner and or anyone concerned qua said lands to come to this Court with the same prayer/similar prayer but with aforementioned and other adequate materials in support of WP petitioner's contention. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
22.12.2023

Index : Yes/No
Neutral Citation : Yes/No
PKN



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M.SUNDAR, J.
and
R.SAKTHIVEL, J.

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ORDER MADE IN
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22.12.2023