



W.P.Nos.16043, 16047 & 16049 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.Nos.16043, 16047 & 16049 of 2024

&

W.M.P.No.17545 of 2024 in W.P.No.16043 of 2024

&

W.M.P.No.17550 of 2024 in W.P.No.16047 of 2024

&

W.M.P.No.17555 of 2024 in W.P.No.16049 of 2024

S.Prakash

... Petitioner
in W.P.No.16043 of 2024

S.Sivanandam

... Petitioner
in W.P.No.16047 of 2024

1. K.E.Rajamanickam

2. K.E.Periyasaamy

... Petitioner
in W.P.No.16049 of 2024

Vs.

1. The Government of Tamil Nadu

Rep. By its Principal Secretary to Government

Department of Revenue and Disaster Management

Fort St.George

Chennai – 600 009

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2. The District Collector

State Highway 96
Opp. District Court
Palayapalayam
Erode – 638 011

3. The Tahsildar

Anthiyur Circle
Erode District – 638 501

4. The Assistant Engineer

Water Resources Department
Anthiyur
Erode – 638 501

... Respondents

Prayer in W.P.No.16043 of 2024 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to not to disturb the peaceful possession of land in Survey Nos.367/1B & 1D and Survey No.366/2, Ennamangalam, Anthiyur Village, Erode District until the disposal of statutory revision preferred by the petitioner under Section 10-A of the Tamil Nadu Land Encroachment Act, 1905 dated 25.05.2023 pending on the file of the 1st respondent.

Prayer in W.P.No.16047 of 2024 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to not to disturb the peaceful possession of the petitioner's cultivation land in Survey Nos.367/7 and 367/1A Ennamangalam, Anthiyur Village, Erode District pending disposal of statutory revision preferred by



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the petitioner under Section 10-A of the Tamil Nadu Land Encroachment Act, 1905 dated 25.05.2023 pending on the file of the 1st respondent.

Prayer in W.P.No.16049 of 2024 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to not to disturb the peaceful possession of the petitioner's cultivation land in Survey Nos.367/7 and 367/1A Ennamangalam, Anthiyur Village, Erode District pending disposal of statutory revision preferred by the petitioner under Section 10-A of the Tamil Nadu Land Encroachment Act, 1905 dated 25.05.2023 pending on the file of the 1st respondent.

For Petitioners : Mr.Naveen Kumar Murthy
for Mr.Mahamani
For Respondents : Mr.P.Balathandayutham
Special Government Pleader

COMMON ORDER

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

After some arguments by Mr.Navin Kumar Moorthy, Mr.Mahamani, counsel on record for writ petitioner sought leave of this Court to withdraw the captioned 'writ petitions' ['WPs' in plural and 'WP' in singular for the
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sake of brevity] but made a plea to preserve the rights of the writ petitioner to move a petitions for interim order under Section 10-B of 'The Tamil Nadu Land Encroachment Act, 1905' [hereinafter 'said Act' for the sake of brevity]', saying so, learned counsel on record Mr.Mahamani has made endorsements in the case files, scanned reproduction of which are as follows:

W.P.No.16043 of 2024

may be Permitted to
Withdrawn.
24/6/24
4581/19
(M. MAHA MANI)
Counsel for Petitioner.

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W.M.P.NO. 17545/24
may be Permitted to
Withdrawn.
24/6/24.
4581/19
Counsel for Petitioner.

W.P.No.16047 of 2024

may be Permitted to
Withdrawn.
24/6/24
4581/19
Counsel for Petitioner.

③
IN THE
W.M.P.
4581/19
Counsel for Petitioner.

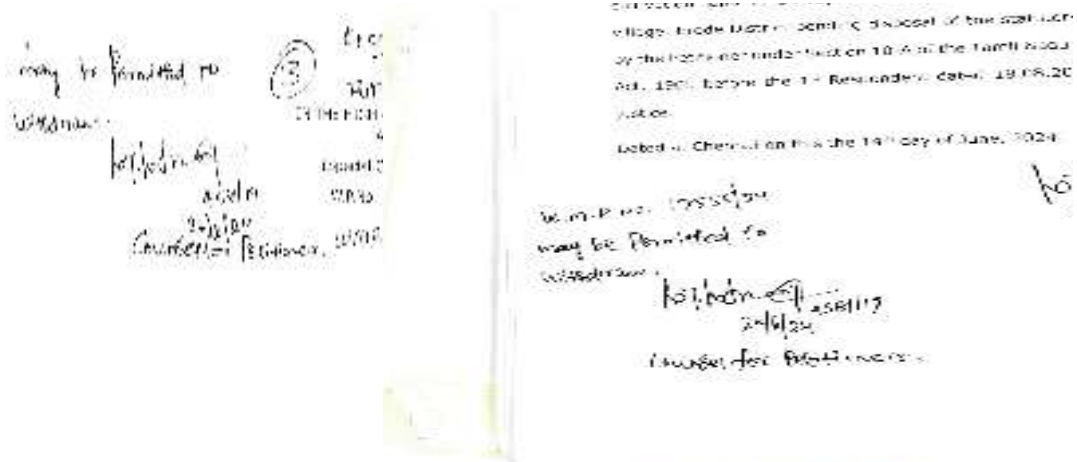
Dated at Chennai on this the 14
W.M.P.NO. 17550/24
may be Permitted to
Withdrawn.
24/6/24
4581/19
Counsel for Petitioner.



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W.P.No.16049 of 2024



2. In the light of the narrative thus far, captioned three WPs and three 'Writ Miscellaneous Petitions' ['WMPs' for the sake of brevity] thereat are disposed of as closed / withdrawn albeit preserving all the rights and contentions of the writ petitioners in the main revision now pending before R1 as well as rights of the writ petitioners to move R1 under Section 10-B of said Act seeking interim orders. We make it clear that we have not expressed any view or opinion on the merits of the matter and if the petitioner moves under Section 10-B of said Act, the same shall be considered on its own merits and in accordance with law by R1. The main revisions under Section 10-A of said Act are dated 25.05.2023 qua



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W.P.Nos.16043 and 16047 of 2024 and 18.08.2023 qua W.P.No.16049 of 2024 and therefore the same are pending for more than/nearly one year, it is open to R1 to consider and dispose of the same as expeditiously as the business of R1 would permit (obviously on its own merits and in accordance with law) as we have not expressed any view or opinion on the merits of the matter.

3. All these captioned WPs and WMPs thereat are disposed of as closed/withdrawn albeit with preservation of rights in aforementioned manner. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

24.06.2024

Index : Yes / No

Neutral Citation : Yes / No

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To

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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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