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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.18827 of 2024
and
W.M.P.No.20658 of 2024
in
W.P.No.18827 of 2024

A.Saraswathi
W/o.T.K.Ashok Kumar ... Petitioner

Vs.

1. The Secretary to Government
   Revenue Department
   Fort St.George
   Chennai – 600 009

2. The District Collector
   Vellore District

3. The District Revenue Officer
   Vellore District

4. The Revenue Divisional Officer
   Vellore Taluk, Vellore

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5. The Thasildar
Vellore Taluk, Vellore District

6. The Commissioner
Vellore Corporation
Vellore District

7. The Superintendent of Police
Vellore District

8. D.Palani

9. Prakash ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 7 to remove encroachment and direct to demolish unauthorized illegal construction made by 8th and 9th respondents at Vellore District, Vellore Taluk, Sathuvachari Village, Survey No.550/2 & 551/1 measuring about 5395 sq.ft plot No.30 which is approved by Government Town and Country Planning approval No.5/84 (D.No.3792/89) and Patta No.1830 of petitioner property.

For Petitioners : Mr.R.Ravichandran

O R D E R

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

When the matter was taken up, it came to light that captioned 'Writ Petition' ['WP' for the sake of brevity] is a case of complaint of encroachment in private land. Mr.R.Ravichandran, learned counsel sought leave of this

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Court to withdraw the captioned WP and captioned 'Writ Miscellaneous Petition' ['WMP' for the sake of brevity] thereat but made a plea to preserve all the rights and contentions of the writ petitioner to pursue a representation dated 14.06.2024 given to R6 [The Commissioner, Vellore Corporation, Vellore District] regarding alleged unauthorized construction and also pursue remedy in criminal law as according to learned counsel this is a case of land grabbing.

2. As it is a case of withdrawal, we refrain from expressing any opinion or view on aforementioned submission of learned counsel but we make it clear that a) all the rights and contentions of the writ petitioner in this regard are preserved and b) the authorities concerned i.e., R6 or any other Authority/Fora shall proceed in accordance with law (on the merits of the matter before it) when approached/if approached. To be noted, the petitioner has already filed a suit in O.S.No.417 of 2007 on the file of Principal District Munsif's Court, Vellore.

3. We also make it clear that any such Court/Authority/Fora/R6 will neither be impeded by this withdrawal nor will this withdrawal serve as an impetus. Though obvious, we also make it clear that all the rights and

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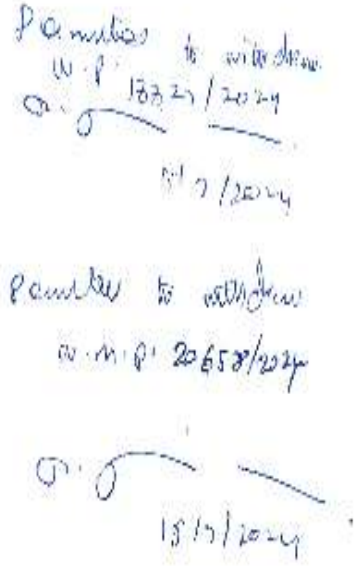
contentions of the private respondents (R8 and R9) and/or any person/entity concerned with this matter will also stand preserved if any such proceedings are either commenced, continued and / or concluded.

4. The endorsements made by learned counsel on record for the writ petitioner in the case file are as follows:



5. In the light of the narrative thus far, captioned WP is disposed of as closed/withdrawn albeit with preservation of rights in the aforesaid manner/above said observations. Consequently, captioned WMP is also

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disposed of as closed / withdrawn. There shall be no order as to costs.

(M.S.,J.) **(K.G.T.,J.)**

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Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
gpa

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