



WEB COPY



W.P. No.18167 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P. No.18167 of 2024

and

W.M.P.No.19956 of 2024

in

W.P.No.18167 of 2024

Suppathal

W/o.Late Karuppagounder

.. Petitioner

Vs.

1. The District Collector
Coimbatore District Collector Office
Coimbatore.
2. The Thasildar
Tashildhar Office
Mettupalayam Taluk
Coimbatore District.
3. The Revenue Inspector
Mettupalayam Subdivision
Mettupalayam Taluk
Coimbatore District.
4. The Village Administrative Officer
Sirumugai Village, Mettupalayam Taluk
Coimbatore District.

.. Respondents



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Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the show cause notice of the 2nd respondent of Show Cause Notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905) dated 31.05.2023 and quash the same and issue a patta based on the petitioner's application dated 25.06.2020.

For Petitioner : Mr.K.Gangadaran

ORDER

(Order of the Court was made by **M.Sundar, J.**)

After some arguments, Mr.K.Gangadaran, learned counsel on record for writ petitioner sought leave of this Court to withdraw the captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} and captioned 'Writ Miscellaneous Petition' {hereinafter 'WMP' for the sake of brevity} thereat but made a plea to preserve all rights and contentions of writ petitioner to pursue a suit being O.S.No.23 of 2023 and interlocutory application being I.A.No.3 of 2023 thereat on the file of the District Munsif Court, Mettupalayam. Saying so, learned counsel has made endorsements in the case file and scanned reproduction of the same are as follows:



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Endorsement in captioned WP:

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May I permitted to withdraw
this writ Petition. In Wp. 18167/2024

3/7/24
Counsel for Petitioner

Endorsement in captioned WMP:

May I permitted to withdraw in
WMP 17936/2024
In Wp-18167/2024

3/7/2024
Counsel for Petitioner

2. Aforementioned endorsements are reiterated by learned counsel on record for writ petitioner in the hearing.

3. In the light of the narrative thus far, captioned main WP and



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captioned WMP thereat are disposed of as closed / withdrawn albeit preserving all rights and contentions of writ petitioner to pursue the aforementioned suit in O.S.No.23 of 2023 and interlocutory application thereat including seeking amendment of prayer, pleadings or any other procedure available in law to writ petitioner as plaintiff in the suit. We make it clear that the District Munsif, District Munsif Court, Mettupalayam, shall consider the suit as well as pending interlocutory application and other interlocutory applications, if any thereat on its own merits and in accordance with law untrammelled / uninfluenced by withdrawal of captioned WP. We also make it clear that we have not expressed any view or opinion on the merits of the matter. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
03.07.2024

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

mk



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To

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M.SUNDAR.J.,
and



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K.GOVINDARAJAN THILAKAVADI, J.,

mk

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