



WEB COPY



W.P.No.18851 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.18851 of 2024

and

W.M.P.Nos.20678 & 20681 of 2024

in W.P.No.18851 of 2024

Erumapalayam Kongu Nadar Samuga Nala Arakattalai

Represented by its President

S.Perumal @ Raja

S/o.Sengodan

3/392, Sengodan Thottam

Erumapalayam, Salem - 15.

... Petitioner

Vs.

1.The District Collector

Office of District Collector, Salem-1.

2.The Revenue Divisional Officer

Office of Revenue Divisional Officer, Salem-5.

3.The Thasildar

Office of Thasildar

Hasthampatti, Salem-7.



W.P.No.18851 of 2024

4.The Revenue Inspector
Salem Town, Salem.

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records with respect to the impugned proceedings of the 3rd respondent dated 03.07.2024 in Na.Ka.1628/2024(A2) and quash the same and pass orders on the same within a reasonable period as fixed by this Court and pass such further or other orders as this Court may deem fit and proper in circumstances of the case.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.P.Balathandayutham
Special Government Pleader

ORDER

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

After some arguments, Mr.R.Nalliyappan, learned counsel 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 Petitions' [hereinafter 'WMPs' for the sake of brevity] thereat. Saying so, the learned counsel has made three endorsements in the case files (i.e., WP and WMPs) and scanned reproduction of the same is as follows :



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W.P.No.18851 of 2024

Enrollment No. 18851 CP 2024
SALEM : DISTRICT
HIGH COURT : MADRAS
WP.NO. 18851 CP 2024
Wmp - 206787
20681 2024

This writ petition may be permitted to withdrawn with liberty to file appeal before Mr. Respondent and Mr. Respondent may be directed to consider all the grounds raised in the appeal.

R. Nalliyappan
9/7/24
E.N. 1227/2000

RECEIVED
WRIT
05 JUL 2024
SECTION
APPELLATE CTS. MADRAS

WRIT PETITION

P - 750
U - 10
Int. Petitions - 10
L - 20
Stay - 20
D/W - 20
950

1st & 2nd
3rd & 4th
5th & 6th
7th & 8th
9th & 10th
11th & 12th
13th & 14th
15th & 16th
17th & 18th
19th & 20th
21st & 22nd
23rd & 24th
25th & 26th
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89th & 90th
91st & 92nd
93rd & 94th
95th & 96th
97th & 98th
99th & 100th

M/S. R.NALLIYAPPAN (E.No.1227/2000)
T.MOHTANRAJU (E.No.1048/2020)
DJEEVITHA (E.No.1402/2020)
A.PRITHIVIRAJ (E.No.5687/2021)
G.SATHISH (E.No.5887/2024)
COUNTEES FOR PETITIONER
Mobile No. 9444115632



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W.P.No.18851 of 2024

MEMORANDUM OF WRIT MISCELLANEOUS PETITION
(FILED UNDER ART 226 OF CONSTITUTION OF INDIA)
IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)

WMP.NO. 20681 OF 2024
IN

W.P.NO. 18851 OF 2024

Erumapalayam Kongu Nadar Samuga Nala Arakattalai,
Represented by its President
S.Perumal @ Raja,
S/O. Sengodan,
3/392, Sengodan Thottam,
Erumapalayam, Salem-15.

...Petitioner/Petitioner

-Vs-

- 1). The District Collector,
Office of District Collector, Salem-1.
- 2). The Revenue Divisional Officer,
Office Revenue Divisional Officer, Salem-5.
- 3). The Thasildar,
Office of Thasildhar, Hasthampatti,
Salem-7.
- 4). The Revenue Inspector,
Salem Town, Salem.

...Respondents/Respondents

PETITION FOR STAY

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court may pleased to grant an order of interim stay of the impugned order passed by the 3rd respondent dated 03.07.2024 in Na.Ka.1628/2024 (A2) pending disposal of the above writ petition or pass such other or order this Hon'ble Court may deem fit and thus render justice.

Dated at Chennai on this the 5th day of July 2024.

COUNSEL FOR PETITIONER

*This writ petition may be permitted to
withdrawn with liberty to file appeal
before 1st respondent*

Dorajayam
Counsel for petitioner
9/7/2024.



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W.P.No.18851 of 2024

MEMORANDUM OF WRIT MISCELLANEOUS PETITION
(FILED UNDER ART 226 OF CONSTITUTION OF INDIA)
IN THE HIGH COURT OF JUDICATURE AT MADRAS
(SPECIAL ORIGINAL JURISDICTION)

WMP.NO. 20678 OF 2024

W.P.NO. 18851 OF 2024

Erumapalayam Kongu Nadar Samuga Nala Arakattalai,
Represented by its President
S.Perumal @ Raja,
S/O. Sengodan,
3/392, Sengodan Thottam,
Erumapalayam, Salem-15,

-Vs-

...Petitioner/Petitioner

- 1). The District Collector,
Office of District Collector, Salem-1.
- 2). The Revenue Divisional Officer,
Office Revenue Divisional Officer, Salem-5.
- 3). The Thasildar,
Office of Thasildhar, Hasthampatti,
Salem-7.
- 4). The Revenue Inspector,
Salem Town, Salem.

...Respondents/Respondents

DISPENSE WITH PETITION

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court may please to Dispense with the production of the original copy of the impugned order passed by the the 3rd respondent dated 03.07.2024 in Na.Ks.1628/2024 (A2) for filing the above writ petition and thus render justice..

Dated at Chennai on this the 5th day of July 2024.

COUNSEL FOR PETITIONER

*This writ petition may be permitted
to withdrawn with liberty to file again
before 1st respondent*

*Periyaram
Counsel for petitioner
09/07/2024*



W.P.No.18851 of 2024

2. Learned counsel on record for the writ petitioner made a fervent plea to preserve all rights and contentions of writ petitioner to carry the matter in statutory appeal to the 'appellate authority' i.e., 'R1, The District Collector, Office of District Collector, Salem-1'.

3. This Court has repeatedly held that 'The Tamil Nadu Land Encroachment Act, 1905 (Act III of 1905)' [hereinafter '1905 Act' for the sake of brevity, convenience and clarity] is a self-contained Code.

4. In the light of narrative thus far, captioned WP and WMPs thereat are disposed of as closed/withdrawn albeit preserving all the rights and contentions of the writ petitioner (though obvious, at the request of learned counsel for writ petitioner, we make it clear that such preservation of rights and contentions include grounds raised in the captioned WP) for canvassing the same in an appeal which the writ petitioner intends to file under Section 10 of 1905 Act before the District Collector. There shall be no order as to costs. Though obvious, we make it clear that we have not expressed any view or opinion on the merits of the matter.

(M.S.,J.) (K.G.T.,J.)
09.07.2024

Index : Yes
Neutral Citation : Yes / No
ds

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To:

WEB COPY

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Office of District Collector, Salem-1.
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Office of Revenue Divisional Officer, Salem-5.
- 3.The Thasildar
Office of Thasildar
Hasthampatti, Salem-7.
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Salem Town, Salem.



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W.P.No.18851 of 2024

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

ds

W.P.18851 of 2024

09.07.2024