



W.P.No.20573 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.20573 of 2024

P.Jayaraman

S/o.Ponnusamy

.. Petitioner

Vs.

1. The District Collector
Collectorate Office
Thiruvarur.

2. The Thasildhar
Thasildar Office
Thiruthuraipoondi
Thiruvarur.

3. Sekar
S/o.Subramanyan

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 and 2 to consider the representation of the petitioner dated 26.02.2024 and consequently, direct the 1st and 2nd respondents to remove the encroachment done by the 3rd respondent in Survey No.200/18 in Thiruthuraipoondi Taluk, Divammapuram, Madapuram Village, Thiruvarur.

For Petitioner

:

Mr.R.Krishnamurthy



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ORDER

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

Captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity} pertains to alleged encroachment by R3 (private respondent) in 'S.No.200/18, in Madapuram Village, Thiruthuraipoondi Taluk, Divammapuram, Thiruvarur District' {hereinafter 'said land' for the sake of brevity}.

2. The prayer also refers to a representation dated 26.02.2024.

On a perusal of 26.02.2024 representation, we find that it refers to a judgment in 2020 but the same has not been enclosed in the typed set of papers.

3. Learned counsel for writ petitioner submitted that it is a judgment in a suit filed by R3 and it appears that an appeal has been preferred and even an interim order has been made by the Appellate Court (O.S.No.121 of 2013 on the file of the District Munsif Court, Thiruthuraipoondi and A.S.No.9 of 2024 on the file of Sub-Court,



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Mannarkudi).

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4. Faced with the above situation, learned counsel sought leave of this Court to withdraw the captioned WP but made a fervent plea to preserve all rights and contentions of writ petitioner to come to this Court after Civil Court proceedings and / or pursue any other remedy available to writ petitioner in law before any other fora / authority. Saying so, learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

The petitioner may
be permitted to
withdraw the writ
petition.
R.11
Counsel for petitioner.
26/7/2024
Encl. No. 2189/2011

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. Though obvious, we make it clear that we have not expressed any view or opinion on the merits of the matter and Civil Court



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shall proceed with the matter on its own merits and in accordance with law. All questions are left open in this regard. We refrain from imposing costs.

(M.S.J.) (K.G.T.J.)
26.07.2024

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

mk

To

1. The District Collector
Collectorate Office
Thiruvarur.
2. The Thasildhar
Thasildar Office
Thiruthuraipoondi
Thiruvarur.

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



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