



W.P. No. 20732 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM

THE HON'BLE MR.JUSTICE M. SUNDAR

AND

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P. No. 20732 of 2024

&

W.M.P. No. 22681 of 2024

Ponnusamy P.

..Petitioner

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District.



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3. The Block Development Officer,
Pappireddipatti,
Dharmapuri District.
4. The Revenue Inspector,
Bommidi,
Pappireddipatti Taluk,
Dharmapuri District.
5. Munusamy K.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 4th respondent in his proceedings No.Nil dated 26.02.2024 issued under Section 7 of the Land Encroachment Act, and 2nd respondent issued No.Nil dated 25.06.2024 issued under Section 6 of the Land Encroachment Act and consequently the 2nd respondent proceedings in Na.Ka. No. 363/2024/P2 dated 09.07.2024 and quash the same and direct the respondents to issue patta to the petitioner in respect of land in survey No. 103/7 of Kathiripuram Village, Pappireddipatti Taluk, Dharmapuri District.

For Petitioner :: Mr.C. VEDIAPPAN



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ORDER

(MADE BY M. SUNDAR,J.)

When the matter was taken up, Mr.C. Vediappan, learned counsel for writ petitioner sought leave of this Court to withdraw captioned ‘Writ Petition’ [‘WP’ for the sake of brevity] and captioned ‘Writ Miscellaneous Petition’ thereat [‘WMP’ for the sake of brevity] but made a fervent plea to preserve all the rights and contentions of writ petitioner for preferring a statutory appeal under Section 10 of 'Tamil Nadu Land Encroachment Act, 1905' [hereinafter ‘said 1905 Act’ for the sake of convenience and clarity]. Saying so, learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:



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I may be permitted to
withdraw with liberty
to make appeal to
the 1st Respondent.

C. V. L.
Counsel for Petitioner
C. VEDIAPPAN
(E 826/111)
25-7-2024

Encachment

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2268)

2. In the light of the narrative thus far, captioned WP and captioned WMP thereat are disposed of as closed/withdrawn albeit with preservation of all the rights and contentions of writ petitioner for filing a statutory appeal under Section 10 of said 1905 Act together with a stay petition under Section 10B of said 1905 Act, if so advised and if so desired. We make it very clear that if writ petitioner prefers a statutory appeal under Section 10 of said 1905 Act along with a stay petition under Section 10B of said 1905 Act, 1st respondent shall consider the same on its own merits and



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in accordance with law de hors withdrawal of captioned WP. Though obvious, we 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.)
25.07.2024

nv

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District.
3. The Block Development Officer,
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