



W.P.No.21990 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.07.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.SUNDAR**

and

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

W.P.No.21990 of 2024

&

W.M.P.No.23964 of 2024

in

W.P.No.21990 of 2024

Mrs.S.Sudha

... Petitioner

Vs.

1. The District Collector  
Tiruvallur District  
Tiruvallur

2. The Tahsildar  
Poonamallee Taluk  
Tiruvallur District

3. Poonamallee Municipality  
Rep. By its Commissioner  
Poonamallee  
Chennai – 600 056

... Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records from the second respondent herein and to quash the impugned order passed by the second respondent herein vide Na.Ka.No.2242/2016/ஆ1 dated 26.07.2024.

For Petitioner : Mr.N.Kumar Rajan

**ORDER**

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

After some arguments, Mr.N.Kumar Rajan, learned counsel on record for writ petitioner sought leave of this Court to withdraw the captioned 'Writ Petition' ['WP' for the sake of brevity] 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 file an appeal under Section 10 of 'The Tamil Nadu Land Encroachment Act, 1905' (hereinafter 'said 1905 Act' for the sake of brevity, convenience and clarity) against notice under Section 6 dated 25.07.2024 bearing reference ந.க.2246/2016 /ஆ1. Learned counsel submitted that the rights may also be preserved for filing a stay petition under Section 10-B of said 1905 Act.



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2. Learned counsel has made endorsements in the case file and scanned reproduction of the same are as follows:

**Endorsement in WP**

Refer to the  
WP and  
more than  
as per the  
Dkt. 9  
31/7/24.

**Endorsement in WMP**

Refer to the  
WP  
31/7/24  
Counsel for the



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3. In the light of the narrative thus far, captioned WP and captioned WMP thereat are disposed of as closed /withdrawn albeit with preservation of rights and contentions of the writ petitioner to canvass the same in an appeal which the writ petitioner intends to prefer under Section 10 of said 1905 Act together with a stay petition thereat under Section 10-B of said 1905 Act. Though obvious, we make it clear that we have not expressed any view or opinion on the merits of the matter and the sequitur of this is that the Appellate Authority, namely R1 [District Collector, Tiruvallur District, Tiruvallur] shall consider the appeal and the stay petition (if filed) on its own merits and in accordance with law untrammelled by withdrawal of captioned matter and the captioned WMP thereat. There shall be no order as to costs.

**(M.S.,J.) (K.G.T.,J.)**  
**31.07.2024**

Index : Yes / No  
Neutral Citation : Yes / No  
*gpa*



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**To**

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

*gpa*

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