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W.P.No.34880 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2024

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.34880 of 2024
&
W.M.P.No.37812 of 2024
in W.P.No.34880 of 2024

P.Jagannathan
S/o.Palaniappa Gounder

.. Petitioner

VS

1. The District Collector
Namakkal
2. The District Revenue Officer
Namakkal
3. The Revenue Divisional Officer
Tiruchengode
Namakkal District
4. The Tahsildar
Office of the Tahsildar



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Komarapalayam
Namakkal District

5. The Revenue Inspector
Komarapalayam
Namakkal District

6. The Village Administrative Officer
B.Komarapalayam
Komarapalayam Taluk
Namakkal District

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records pertaining to the notice dated 23.08.2024 and 23.10.2024 issued under Section 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 by respondents 5 and 4 respectively and quash the same and consequently issue direction directing the respondents to consider the petitioner representations dated 31.08.2024 and 25.10.2024 in accordance with law.

For Petitioner : Mr.R.Marudhachalamurthy
For Respondents : Mr.T.K.Saravanan
Government Advocate

ORDER

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

When the captioned matter was taken up

Mr.R.Marudhachalamurthy, learned counsel on record for writ petitioner



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sought leave of this Court to withdraw the captioned writ petition but made a plea to preserve all the rights and contentions of the writ petitioner to file statutory appeal before R1 (District Collector, Namakkal) under Section 10 of 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity, convenience and clarity}.

2. It is open to the writ petitioner to also seek an interim order under Section 10-B of said 1905 Act. Learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

Counsel for petitioner
I may be permit to withdraw writ & appeal
with liberty to move before
1st Respondent U/s 10 Sec
R. S. S. S.
Counsel for Petitioner

3. In the light of the narrative thus far, captioned writ petition and captioned writ miscellaneous petition are disposed of as withdrawn albeit



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preserving all the rights and contentions of the writ petitioner to file a statutory appeal and a stay petition under Section 10 and 10-B respectively of said 1905 Act. If the writ petitioner chooses to file an appeal and stay petition, the same shall be considered by R1 on its own merits and in accordance with law *de hors* this withdrawal. There shall be no order as to costs.

[M.S.,J] [K.R.S.,J]

19.11.2024

Index: Yes/No

Neutral Citation: Yes/No

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P.S. I: *Upload forthwith*

P.S.II : *All concerned including the Registry of Madras High Court to act forthwith on the uploaded soft copy of this proceedings as uploaded in the official website of this Court. To be noted, the soft copies uploaded in the official website of this Court are water marked, besides being QR Coded.*

P.S.III : *Learned counsel requested for return of the original impugned orders for the purpose of preferring statutory appeal. Registry to return the original impugned order to learned counsel for writ petitioner under due acknowledgment.*



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**M.SUNDAR,J.,
and
K.RAJASEKAR, J.,**

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