



W.P.No.36457 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

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

W.P.No.36457 of 2024
and
W.M.P.No.39321 of 2024
in
W.P.No.36457 of 2024

P.Govindasamy
S/o.Perumal Gounder

... Petitioner

Vs.

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The District Revenue Officer
Dharmapuri District
Dharmapuri.
3. The Revenue Divisional Officer
Harur Revenue Division
Harur, Dharmapuri District.
4. The Tahsildhar
Pappireddy Patti Taluk
Dharmapuri District.

Page Nos.1/6



WP.No.36457 of 2024

5. Murugan
S/o.Korukkan @ Molliya Gounder

... Respondents

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Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to impugned order passed by the 2nd respondent dated 04.10.2024 in Na.Ka.No.187/2018/T3 and to quash the same, consequently, directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent in Government Poramboke Land comprised in Survey No.6/8, 7/1 and 5/1A, situate at Thinahalli Village, Guruparahalli Panchayat, Pappireddypatti Taluk, Dharmapuri District.

For Petitioner : Mr.C.Prabakaran

ORDER

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

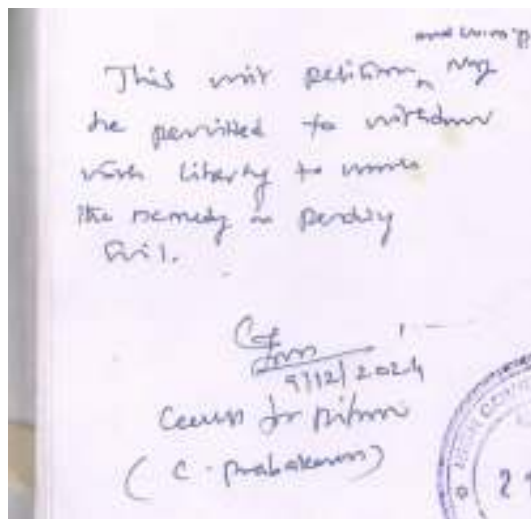
After some arguments, Mr.C.Prabakaran, learned counsel on record for writ petitioner sought leave of this Court to withdraw the captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} and captioned 'Writ Miscellaneous Petition' {hereinafter 'WMP' for the sake of brevity} thereat.

Page Nos.2/6



WP.No.36457 of 2024

However, learned counsel made a plea to preserve all rights and contentions of writ petitioner to contest the suit being O.S.No.96 of 2019 on the file of the District Munsif Court, Pappireddipatti, saying so, learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:



2. Permitted to withdraw and request to preserve rights and contentions for contesting the suit also acceded to. Though obvious, we make it clear that all rights and contentions of private respondent (R5), who is plaintiff in the aforesaid suit will also remain preserved.

Page Nos.3/6



WP.No.36457 of 2024

3. Learned District Munsif, Pappireddypatti, shall consider the suit on its own merits and in accordance with law untrammelled by this withdrawal and for the purpose of specificity, we make it clear that Civil Court shall consider the suit on its own merits and this will include considering applications in the suit including applications under Order VII Rule 11 of 'Code of Civil Procedure, 1908 (Central Act V of 1908)' [hereinafter 'CPC' for the sake of brevity] (if any).

Captioned WP and captioned WMP thereat disposed of as withdrawn / closed albeit with preservation of rights and contentions qua civil suit in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

09.12.2024

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk

Page Nos.4/6



WP.No.36457 of 2024

WEB COPY To

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W.P.No.36457 of 2024

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

mk

W.P.No.36457 of 2024

09.12.2024

Page Nos.6/6