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W.P.No.36251 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

Coram

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

and

THE HONOURABLE MR.JUSTICE **K.RAJASEKAR**

W.P.No.36251 of 2024

M.Kandhasamy

S/o.Muthuvel

.. Petitioner

VS

1. The District Collector

O/o.the Collectorate

Ariyalur District

2. The District Revenue Officer

O/o.The District Revenue Officer

Ariyalur, Ariyalur District

3. The Revenue Divisional officer

O/o.the Revenue Divisional Officer

Udaiyarpalayam, Ariyalur District

4. The Tahsildar

O/o.the Tahsildar



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Ariyalur Taluk, Ariyalur District

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5. The Tahsildar

O/o.the Tahsildar

Sendurai Taluk, Ariyalur District – 621 714

6. The Revenue Inspector

O/o.the Revenue Inspector

Ariyalur, Ariyalur District

7. The Block Development Officer

O/o.the Block Development Officer

Sendurai, Ariyalur District

8. Subramaniayan

S/o.Thangasamy

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 5 to initiate appropriate action to remove the encroachments in land comprised in Pottaveli Village S.No.84/1B2 and 84/1B3, situated at Ariyalur Taluk and District and also land comprised in Nakkambadi Village, S.No.159, situated at Sendurai Taluk, Ariyalur District, on the basis of the petitioner's representations dated 28.08.2023 and 27.06.2024.

For Petitioner : Mr.S.Viswanathan

For Respondents : Mr.T.K.Saravanan
Govt. Advocate for R1 to R6



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Ms.P.Rajarajeswari
Government Advocate for R7

ORDER

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

When the matter was taken up, it came to light that an order made in a writ petition referred to by the writ petitioner in his representation dated 27.06.2024 has not been annexed to the typed-set of papers.

2. We ferreted out the order i.e., order dated 27.04.2023 in W.P (MD) No.10297 of 2023 and WMP thereat from the ECOURTS website. On a perusal of the order we find that in paragraph 5, Hon'ble Division Bench has observed that the impugned order in that matter is in contravention of another order, namely order dated 28.03.2023 in W.P.No.6676 of 2023 etc., batch. This order has also not been annexed in the typed-set of papers. Learned counsel fairly submitted that though



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he has perused the aforementioned order dated 27.04.2023 in W.P (MD)

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No.10297 of 2023, he has not perused the order dated 28.03.2023 in

W.P.No.6676 of 2023 etc., batch.

3. Faced with the above situation, learned counsel sought leave of this Court to withdraw the captioned writ petition but made a plea to preserve the rights of the writ petitioner to come up with an appropriate / suitable writ petition on the same issue after perusing the aforementioned order/s and after duly annexing the same in the typed-set of papers. Request acceded to.

4. Endorsement in the case file is as follows:

The petitioner may be permitted
to withdraw this writ petition
with liberty to file fresh writ petition
A. S. S. 3/12/24
S. VISWANATHAN
Counsel for petitioner



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In the light of the narrative thus far, captioned writ petition is disposed of as closed / withdrawn albeit with preservation of rights in the aforesaid manner. Considering the fair nature in which the submissions were made, we refrain ourselves from imposing costs.

[M.S., J]

[K.R.S., J]

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gpa



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

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