



W.P.No.787 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.787 of 2025

and

W.M.P.No.958 of 2025

Mr.S.Babu
S/o.Subramani

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Housing and Urban Development
Secretariat
Fort St.George
Chennai-600 009.
2. The Director
Department of Town and Country Planning
Annasalai, Chennai-600 002.
3. The District Collector
Chennai District
Chennai-600 001.
4. The Commissioner
Corporation of Chennai

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Rippon Buildings
Chennai-600 003.

5. The Tahsildar
Thiruvottiyur Taluk
Chennai District.
6. The Executive Engineer
Zone-01
Corporation of Chennai
Thiruvottiyur
Chennai-600 019.

... Respondents

Prayer :

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned notice dated 28.12.2024 made in Na.Ka.No.B1/1852/2024 passed by the 5th respondent under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 in respect of the property comprised in Survey No.21, situated at Kathivakkam Village, Thiruvottiyur Taluk, Chennai District and to quash the same.

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 main

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'Writ Petition' {hereinafter 'WP' for the sake of brevity} and captioned 'Writ Miscellaneous Petition' {hereinafter 'WMP' for the sake of brevity} thereat and made a request to preserve all rights and contentions of writ petitioner to canvass the same in a statutory appeal 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} to R3. To be noted, learned counsel for writ petitioner submits that a notice / order under Section 6 of said 1905 Act has since been issued, saying so, learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

This writ petition
and miscellaneous
petitions are hereby
permitted to withdraw
with liberty to file an
appeal before the appellate
authority.

[Signature]
20/11/2025
Counsel for Petitioner,
C. Prabhakaran



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2. In the light of the narrative thus far, captioned main WP and captioned WMP thereat are disposed of as withdrawn / closed albeit with preservation of all rights and contentions of writ petitioner in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

20.01.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk

Note: Upload forthwith



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WEB COPY

To

1. The State of Tamil Nadu
Rep. by its Secretary to Government
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Chennai-600 019.

... Respondents



WEB COPY



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

mk

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20.01.2025

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