



WEB COPY



W.P. No.9028 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.P.No.9028 of 2025

A. Noor Mohammed Petitioner

vs.

1. The District Collector
Kallakurichi District 606 202
2. The Revenue Divisional Officer
Revenue Divisional Office
Kallakurichi 606 202
3. The Tahsildar
Tahsildar Office
Vanapuram Taluk
Kallakurichi District 606 202
4. The Block Development Officer
Vanapuram Taluk
Kallakurichi District 606 202
5. The Executive Officer
Pasar Madura Village
Kallakurichi District 606 205
6. The Sub Inspector of Police
Rishi Vandiyam Police Station
Kallakurichi District 606 205
7. Arumugam Respondents

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Writ Petition filed under Article 226 of the Constitution of India
seeking issuance of:

- (a) a writ of mandamus to respondents 1 to 5 to immediately remove the fresh encroachment made by the 7th respondent over the carriageway existing in Survey Nos.112,114 and 115 at Paasaar Village, Vanapuram Taluk, Kallakurichi District 606 205;
- (b) a direction to the respondents 1 to 5 to give protection to fill up soil in the carriageway and to prevent future encroachments and ensure proper access; and
- (c) a direction to respondent 6 to provide adequate police protection during the removal of encroachment and construction of the road.

For petitioner Mrs. Rajeswari Karthikeyan

ORDER

[made by M.SUNDAR, J.]

During the course of hearing, it came to light that O.S.No.326 of 2024 on the file of the Principal District Munsif Court, Sankarapuram, is pending and writ petitioner is D1 in the said suit, writ petitioner has entered appearance in the suit, the suit pertains to lands which are subject matter of captioned 'writ petition' (hereinafter 'WP' for the sake of convenience and clarity) but there is no mention about the suit in the writ affidavit.

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2. Faced with the above situation, learned counsel on record for writ petitioner sought leave of this Court to withdraw the captioned WP but made a plea to preserve all the rights and contentions of the writ petitioner to pursue/defend the aforementioned civil suit. Saying so, learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

Permitted to withdraw the
writ petition with liberty.
[Signature]
Rajenari Kallukogor
counsel for petitioner
18/3/2025.

3. In the light of the narrative thus far, captioned WP is disposed of as closed / withdrawn, making it clear that:

- i. all the rights and contentions of the writ petitioner (including contentions raised in the captioned WP) are preserved for being raised / canvassed in the civil suit;
- ii. the Civil Court shall decide the civil suit on its own merits and in accordance with law untrammelled by the withdrawal of the captioned WP; and



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iii. withdrawal of the captioned WP will neither impede nor serve as an impetus for either party;

There shall be no order as to costs.

(M.S., J.) (K.G.T., J.)
18.03.2025

cad	
Index	: Yes/No
NC	: Yes/No



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K. GOVINDARAJAN THILAKAVADI, J.

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