



WEB COPY



W.P.No.5575 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.5575 of 2025

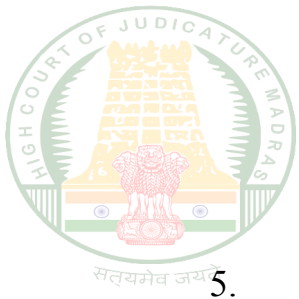
P.Govindasamy
S/o.Perumal

...Petitioner

Vs

1. The Secretary to Government
Revenue Department
Government of Tamil Nadu
Fort Saint George
Chennai-600 009.
2. The District Collector of Villupuram
O/o. District Collector,
Collectorate
Villupuram.
3. The Revenue Divisional Officer
O/o. Revenue Divisional officer
Villupuram, Villupuram District.
4. The Revenue Tahsildar
Marakkanam Taluk
Marakkanam, Villupuram District.

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5. The Block Development Officer
O/o. Block Development Office
Marakkanam Panchayat Union
Marakkanam, Tindivanam Taluk
Villupuram District.

6. The President
Kolathur Panchayat Union
Kolathur, Tindivanam Taluk
Villupuram District.

7. S.Anbazhagan
S/o.Solaivazhi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 4 to 6 herein to implement the orders of the 5th respondent by their notification Na.Ka.A2/164/2024 dated 31.08.2024 and to take action to remove the encroachment made by the 7th respondent in the Village Panchayat Road, which is in the entrance of his house and there he constructed bathroom and planted trees comprised in Survey No.43, as per the revenue records in Sathamangalam Village, Marakkanam Taluk, Villupuram District.

For Petitioner : Mr.R.Agilesh



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ORDER

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

After some arguments, Mr.R.Agilesh, 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, convenience and clarity} but made a plea to preserve all rights and contentions of writ petitioner qua O.S.No.78 of 2024 on the file of the Additional District Munsif Court, Tindivanam. To be noted, writ petitioner is D5 in O.S.No.78 of 2024. Learned counsel submits that writ petitioner in his capacity as D5 has already taken out an application under Order VII Rule 11 Sub-Rule (d) of the Code of Civil Procedure, 1908 (5 of 1908) seeking rejection of plaint *inter alia* on the ground that there is specific plaint averment that the suit property belongs to the Government. We express no opinion on the same, as the matter will now fall for consideration before learned Additional District Munsif, Tindivanam.

2. Learned counsel for writ petitioner has made an endorsement in the case file and a scanned reproduction of the same is as follows:



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Hon'ble court may be
permitted to withdraw
the above writ petition
P. Anand
R. Anand
court to permit
19/2/2025

3. In the light of the narrative thus far, captioned WP is disposed of as closed / withdrawn albeit with preservation of rights in the aforesaid manner qua O.S.No.78 of 2024 and with a further observation that learned Additional District Munsif shall now proceed with the rejection of plaint application therein on its own merits and in accordance with law untrammelled by this withdrawal / order. There shall be no order as to costs.

[M.S.,J.]

[K.G.T.,J.]

19.02.2025

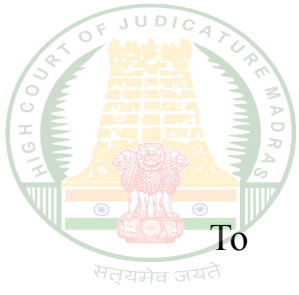
Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk

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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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