



W.P.No.5121 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.5121 of 2025

and

W.M.P.No.5683 of 2025

K.Selvam
S/o.Kattan

...Petitioner

Vs

1. The Thasildar
Cheyyar Taluk
Cheyyar Taluk Office
Thiruvannamalai District.

2. The Assistant Director
Animal Husbandry Department
Office of the Animal Husbandry Department
Arani, Thiruvannamalai District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent's eviction proceedings in Na.Ka.No.334/AA/2020 dated

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10.01.2025 and quash the same.

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For Petitioner : Mr.V.Umapathy

ORDER

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

After some arguments, Mr.V.Umapathy, 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 to pursue 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} (together with a stay petition under Section 10-B of said 1905 Act).

2. Learned counsel on record for writ petitioner, after making such a request has made an endorsement in the case file and a scanned reproduction of the same is as follows:

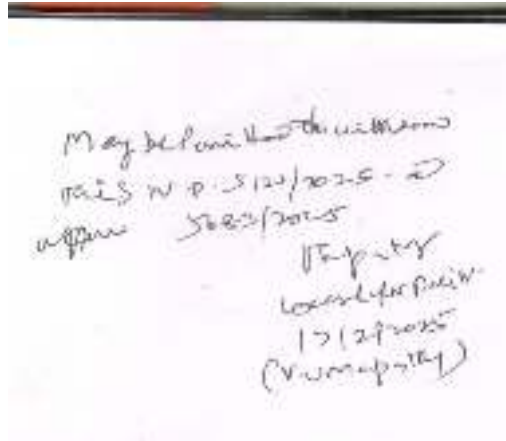
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3. This Court has repeatedly held that 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' which is being referred to as 'said 1905 Act' is a self contained Code. The reason *inter-alia* is that there is a provision to have the alleged encroacher show caused under section 7 followed by an order (considering the cause shown). The order under section 6 is appealable under section 10 [District Collector is the appellate authority] and there is a provision for further revision to the Government under Section 10-A [Section 10-A(3) to be precise] of said 1905 Act. Pending appeal / revision, there is a provision for making interim prayer vide Section 10-B of said 1905 Act. Therefore, said 1905 Act is a self contained Code in every sense of the expression.



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4. In the light of the narrative thus far, learned counsel on record for writ petitioner is permitted to withdraw the captioned WP and request of learned counsel to preserve all rights and contentions of writ petitioner to pursue the matter by way of a statutory appeal together with stay petition under Section 10-B of said 1905 Act before the Appellate Authority i.e., jurisdictional District Collector is acceded to.

Ergo, the sequitur is, captioned WP and Writ Miscellaneous Petition thereat are disposed of as withdrawn / closed albeit with preservation of rights in the aforesaid manner. There shall be no order as to costs.

[M.S.,J.]

[K.G.T.,J.]

17.02.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk

To

1. The Thasildar
Cheyyar Taluk
Cheyyar Taluk Office
Thiruvannamalai District.
2. The Assistant Director
Animal Husbandry Department
Office of the Animal Husbandry Department
Arani, Thiruvannamalai District.

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

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