



WEB COPY



W.P.No.19305 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR

and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.19305 of 2025 and W.M.P. Nos.21559 and 21562 of 2025

Adhilakshmi

Petitioner

vs.

1. The District Collector
Thiruvallur
Collectorate I Floor
Thiruvallur 602 001

2. The Tahsildar
Avadi Taluk
at Modern City Deena Dayalan Nagar
Pattabiram
Chennai 600 054

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records pertaining to the proceedings in Na.Ka.EN.173/2024 dated 08.07.2024 and Na.Ka.No.3853/2018/Aa1 dated 08.02.2025 on the file of the respondents and quash the same and consequently, prohibit the respondents from taking any further action in pursuance of the abovementioned notices.

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For petitioner Mr. K. Prabhakaran

ORDER

[made by M.SUNDAR, J.]

In the captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity), a notice dated 08.07.2024 bearing reference Na.Ka.EN.173/2024 issued by jurisdictional Revenue Inspector and another notice/order dated 08.02.2025 bearing reference Na.Ka.No.3853/2018/AA1 issued/made by R2 (Tahsildar) have been called into question. Former shall be referred to as 'impugned notice' and the latter shall be referred to as 'impugned order' for the sake of convenience and clarity.

2. The impugned notice has been issued under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' (for brevity 'said 1905 Act') and the impugned order has been issued/made under Section 6 of said 1905 Act.



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3. As against the impugned order, writ petitioner has an efficacious and effective alternative remedy of statutory appeal to R1 (District Collector) under Section 10 of said 1905 Act (to be noted, R1 is the appellate authority under Section 10 of said 1905 Act).

4. After some arguments, faced with the above situation, learned counsel sought leave of this Court to withdraw the captioned main WP and writ miscellaneous petitions (hereinafter 'WMPs' for the sake of brevity) thereat but made a plea to preserve all the rights and contentions of the writ petitioner to pursue alternative remedy of statutory appeal to R1 under Section 10 of said 1905 Act.

5. A scanned reproduction of the endorsement made by the learned counsel for writ petitioner in the case file is as follows:

I may be permitted to withdraw
the WP and leave that WMPs ...
[Signature]
Counsel for Petitioner
24/6/25
En No 244/1974

This request is acceded to.



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6. Captioned WP and captioned WMPs are disposed of as withdrawn/closed albeit with preservation of all rights and contentions of writ petitioner in the aforesaid manner which means that if a statutory appeal under Section 10 of said 1905 Act is filed, along with stay petition under Section 10-B and condonation of delay application, R1 shall consider the same on its own merits and in accordance with law untrammelled by this withdrawal. As regards condonation of delay, it is open to the writ petitioner to seek exclusion of time spent in this writ petition by resorting to Section 14 of the Limitation Act. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
10.06.2025

Index : Yes/No
Neutral Citation: Yes/No
cad



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