



W.P.No.17727 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.17727 of 2025 and W.M.P. No.19999 of 2025

Arul

Petitioner

vs.

1. The District Collector
Namakkal District
Namakkal
2. The Tahsildar
Rasipuram Taluk
Namakkal District
3. The Revenue Inspector
Rasipuram Taluk
Namakkal District
4. The Inspector of Police
Vennathur Police Station
Namakkal District
5. Saravanan
6. Malarvizhi
7. Sugavanam

Respondents



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Writ Petition filed under Article 226 of the Constitution of India

seeking a writ of certiorarified mandamus calling for the records relating to the impugned order dated 31.01.2025 in Na.Ka.No. 3436/2024/P5 issued by the 2nd respondent and to quash the same, consequently, direct the respondents to restore the possession of the petitioner in respect of the property comprised in Survey No.353/7, Akkaraipatti Village, Rasipuram Taluk, Namakkal District.

For petitioner	Mr. C. Prabakaran
For RR 1 to 4	Mr. M.S. Arasa Kumar
	Government Advocate

ORDER

[made by M.SUNDAR, J.]

Captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] has been filed with a prayer for issue of a writ of certiorarified mandamus *inter alia* assailing an order dated 31.01.2025 bearing reference Na.Ka.No.3436/2024/P5 made by R2 (Tahsildar, Rasipuram Taluk, Namakkal District) [hereinafter 'impugned order' for the sake of convenience and clarity].

2. Mr. C. Prabakaran, learned counsel for writ petitioner, advertng to the impugned order, submitted that though it comes



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across as a show cause notice (SCN) on first blush, it, in effect, puts the noticee/writ petitioner under pain of immediate dispossession.

3. Issue notice to official respondents (RR 1 to 4).

4. Mr. M.S. Arasa Kumar, learned Government Advocate, accepts notice for official respondents and submits that proceedings have already been commenced under 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' [for brevity 'said 1905 Act'], Section 7 notice has been issued to the writ petitioner, writ petitioner has responded, the response of the writ petitioner is under active consideration and orders will now be made under Section 6 of said 1905 Act.

5. Learned State counsel further very fairly submitted that in the light of this scenario, the impugned order will now stand withdrawn. In other words, there is a roll back *qua* the impugned order. This fair submission of the learned State counsel is recorded.



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6. This means that the impugned order *i.e.*, order dated 31.01.2025 bearing reference Na.Ka.No.3436/2024/P5 made by R2 now stands effaced with expression of no view or opinion on merits. In other words, it stands effaced on the basis of the stated position of the learned State counsel.

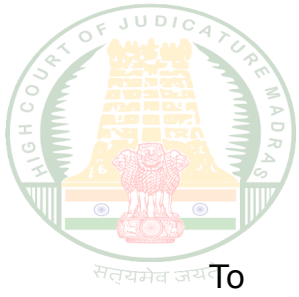
7. As regards proceedings under said 1905 Act which according to both sides have been kickstarted, the same will proceed on their own merits and in accordance with law untrammelled by this order.

8. Captioned main WP stands disposed of in the aforesaid manner. In the light of disposal of the captioned main WP in the aforesaid manner, captioned writ miscellaneous petition has become otiose and the same is closed. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
03.06.2025

cad

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To
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Namakkal District
Chennai 600 001
2. The Tahsildar
Rasipuram Taluk
Namakkal District
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