



W.P.No.19661 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.19661 of 2025

and

W.M.P. No.22043 of 2025 in W.P. No.19661 of 2025

Selvaperumal

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Salem District.

2.The Revenue Tahsildar,
Omalur Taluk, Salem District.

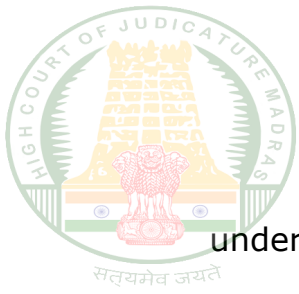
3.The Revenue Inspector,
Omalur Taluk, Salem District.

4.The Village Administrative Officer,
U.Maramangalam,
Omalur Taluk, Salem District.

... 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 relating to the impugned eviction notice dated 22.04.2025

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under Section 6 of the Act, issued by the second respondent, quash the same and consequently direct the respondents 1 and 2 to grant patta for S.F.No.35/1 (1.21.0 hectares), U.Maramangalam Village, Omalur Taluk, Salem District.

For Petitioner : Mr.G.V.Viyyash Kumar

ORDER

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

After some arguments, Mr.G.V.Viyyash Kumar, 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) and captioned 'Writ Miscellaneous Petition' (hereinafter 'WMP' for the sake of brevity) thereat but made a plea to preserve all the rights and contentions of the writ petitioner to file 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}. To be noted, R1 [District Collector, Salem] is the Appellate Authority. Learned counsel submitted that a 'notice dated 22.04.2025



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issued by R2 [Revenue Tahsildar, Omalur Taluk, Salem District]'

{hereinafter 'impugned notice' for the sake of convenience and clarity)

was served on the writ petitioner on the same day and therefore the writ petitioner has to file a statutory appeal along with condonation of delay (CoD) petition and that he will be also filing a stay petition under Section 10-B of said 1905 Act.

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

Er

In WP no. 19661 of 2025 &
WMP No. 22043/2025
Petitioner withdraws this writ petition
with a prayer seeking liberty
to file appeal before the
appropriate authority
Counsel for the Petitioner
Adv. Vijayash Kumar
3/6/25
MS4837/2023

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3. In the light of the narrative thus far, captioned WP and captioned WMP are disposed of as withdrawn/closed albeit preserving all the rights and contentions of the writ petitioner (including contentions raised in the instant WP) to be canvassed in the intended statutory appeal and the stay petition thereat. Though obvious, for the sake of specificity, we clarify that if an appeal is filed with CoD petition and stay petition, the same shall be considered by R1 (Appellate Authority) on its own merits and in accordance with law. There shall be no order as to costs.

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

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

- 1.The District Collector,
District Collectorate, Salem District.
- 2.The Revenue Tahsildar,
Omalur Taluk, Salem District.
- 3.The Revenue Inspector,
Omalur Taluk, Salem District.
- 4.The Village Administrative Officer,
U.Maramangalam,
Omalur Taluk, Salem District.

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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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