



WEB COPY



W.P.No.21821 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.21821 of 2021

and

W.M.P.No.23006 of 2021

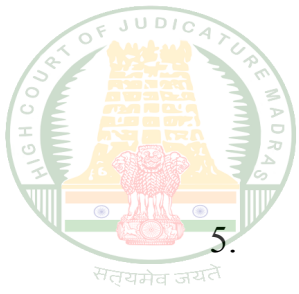
K.R.Sasikumar
S/o.N.Rangasamy

...Petitioner

Vs

1. The District Collector
Namakkal District
Namakkal.
2. The District Revenue Officer
Namakkal District
Namakkal.
3. The Revenue Divisional Officer
Thiruchengode
Namakkal District.
4. The Tahsildar
Thiruchengodu Taluk
Namakkal District.

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5. The Block Development Officer
Mallasamuthiram Block,
Thiruchengodu Taluk,
Namakkal District.

6. The President
Kottapalayam Village
Thiruchengodu Taluk,
Namakkal District.

7. The Vice President
Kottapalayam Village
Thiruchengodu Taluk
Namakkal District.

...Respondents

R5 to R7 impleaded vide order dated 08.11.2021
in W.M.P.No.24109 of 2021 in W.P.No.21821 of 2021

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the 4th respondent proceedings in Na.Ka.No.2065/2021/AS dated 30.07.2021 issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and to quash the same as illegal, incompetent and ultravires and to call for the proceedings in Na.Ka.2065/2021/A3 dated 09.08.2021 issued under Section 6 Notice under Tamil Nadu Land Encroachment Act, 1905 and quash the same as illegal, incompetent and ultravires and consequently, direct the 4th respondent to consider the representation dated 15.05.2020 and issue patta to the petitioner in S.No.221/3, Kottapalayam Village of Tiruchengode Taluk, Namakkal District.

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For Petitioner : Mr.S.Arun Prasath
representing Mr.M.Guruprasad
For Respondents : Mr.T.K.Saravanan
Additional Government Pleader

ORDER

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

Mr.S.Arun Prasath, learned counsel representing counsel on record for writ petitioner submits that the captioned 'Writ Petition' {'WP'} has been filed assailing an order / notice under Section 6 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} and notice under Section 7 of said 1905 Act. Learned counsel seeks leave of this Court to withdraw the captioned WP but makes a plea to preserve all the rights and contentions of writ petitioner to prefer a statutory appeal under Section 10 of said 1905 Act. This request is acceded to.

2. The endorsement made by learned counsel on record for writ petitioner is as follows:



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01/06/2021
Petitioner may be Permitted
to withdraw the W.P. 21821/2021
+ WMP's with liberty
to file appeal under Sec.10
of Tamil Nadu Land Encroachment Act, 1905.
S. Arun Prasad
37.6.18
Counsel for Petitioner.
S. ARUN PRASAD

3. If the writ petitioner prefers a statutory appeal and if there is a need to file a 'condonation of delay' {'COD'} petition, it will be open to the writ petitioner to take recourse to Section 14 of the Limitation Act, 1963 i.e., to exclude the time spent in the captioned WP. If such a request is made, the same shall be considered on its own merits and in accordance with law by the Appellate Authority. Likewise, we make it clear that the statutory appeal, subject only to COD, shall be heard out on its own merits and in accordance with law untrammelled by this withdrawal.



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Captioned WP and captioned WMP are dismissed as withdrawn.

There shall be no order as to costs.

[M.S.,J.]

[K.G.T.,J.]

01.04.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk

To

1. The District Collector
Namakkal District, Namakkal.
2. The District Revenue Officer
Namakkal District, Namakkal.
3. The Revenue Divisional Officer
Thiruchengode, Namakkal District.
4. The Tahsildar
Thiruchengodu Taluk
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5. The Block Development Officer
Mallasamuthiram Block,
Thiruchengodu Taluk,
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Namakkal District.
7. The Vice President
Kottapalayam Village
Thiruchengodu Taluk
Namakkal District.

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

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