



WEB COPY



W.P.No.21014 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.21014 of 2024 and W.M.P.Nos.22963 & 22966 of 2024

C. Angammal

Petitioner

vs.

1. The District Collector
Salem District
Salem
2. The Revenue Divisional Officer
Attur Taluk
Salem District
3. The Tahsildar
Attur Taluk
Salem District
4. The Commissioner
Attur Municipality
Attur
Salem District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records of the 4th respondent relating to two notices issued under Section 128(1)(b) of Tamil Nadu Land Encroachment, 1905 in Na.Ka.No.2142/2023/F1 dated 02.07.2024 in respect of Survey No.545/4H & 4C, Door No.124/37,

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Elango Street, Mulluvadi Post, Attur Taluk, Salem District and quash the same.

For petitioner Ms. J. Lingitha

ORDER

[made by M.SUNDAR, J.]

At the threshold, it is apropos to write that we have noticed that the two notices, both dated 02.07.2024, which are called in question in the captioned 'writ petition' [hereinafter 'WP' for the sake of brevity], have been issued invoking the Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999) but the prayer portions in the captioned WP and captioned writ miscellaneous petition being W.M.P.No.22966 of 2024 erroneously read that the captioned WP assails notices issued under the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905). However, in the same breath, it has also to be pointed out that the prayer portion of the writ affidavit mentions the name of the statute correctly.

2. Be that as it may, read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 26.07.2024 which reads as follows:

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and W.M.P. No.22966 of 2024

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

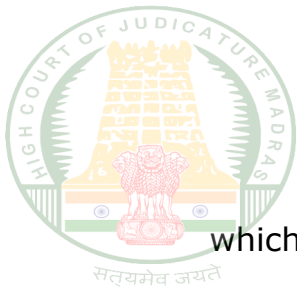
(Order of the Court was made by M.SUNDAR, J.)
Captioned writ petition talks about Survey No.545/4H and 4C, Door No.124/37, Elango Street, Mulluvadi Post, Attur Taluk, Salem District but when the matter was taken up, Mr.M.S.Palanisamy, learned counsel for writ petitioner submits that the writ petitioner is concerned with T.S.No.34/1.

2. Faced with the above situation, learned counsel for writ petitioner sought time to do course correction. Request acceded to.

3. List after three weeks. List on 16.08.2024 in the Admission Board i.e., Motion List. If the amendment petition is filed in the interregnum, that may be listed.

(M.S.J.) (K.G.T.J.)
26.07.2024'

3. Adverting to earlier proceedings dated 26.07.2024 extracted and reproduced above, learned counsel on record for writ petitioner submits that amendment petition has not been filed [To be noted, nearly 11 months have elapsed from the last listing]. Faced with this situation, learned counsel sought leave of this Court to withdraw the captioned WP but made a plea to preserve the rights of writ petitioner to file a fresh writ petition adverting to the survey number



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which the writ petitioner is concerned with and other attendant details, including the amendment *qua* name of the statute discussed in the opening paragraph. A scanned reproduction of the endorsement made in the case file is as follows:

I maybe permitted
to withdraw the writ petition
in W.P.No. 21014/24
WMP.No. 22963/24
and W.M.P.No. 22966/24 with
liberty to file fresh writ petition with
"with amended and
new survey No. and
other relevant details.
J. LINGITHA
Enr 234/22
Counsel for Petitioner
[12/06/2025]

Request acceded to.



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4. In the light of the narrative thus far, captioned WP and captioned writ miscellaneous petitions thereat stand disposed of as withdrawn/closed, albeit with preservation of writ petitioner's rights in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
12.06.2025

cad

To

1. The District Collector
Salem District
Salem
2. The Revenue Divisional Officer
Attur Taluk
Salem District
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Salem District
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M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

cad

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