

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. Nos.27226 to 27251 of 2015 and M.P. Nos.1 & 2 of 2015

M.NATRAJ ... PETITIONER in WP No.27226 and 27227 of 2015
B.BABU ... PETITIONER in WP No.27228 and 27229 of 2015
N. RADHAKRISHNAN ... PETITIONER in WP No.27230 and 27231 of 2015
R.VIJAYARAGAVAN ... PETITIONER in WP No.27232 and 27233 of 2015
K.S.JOHN ISAC RUBAN ... PETITIONER in WP No.27234 and 27235 of 2015
K. VENKATA JOTHI ... PETITIONER in WP No.27236 and 27237 of 2015
SUBALAKSHMI ... PETITIONER in WP No.27238 and 27239 of 2015
J. SENTHIL ... PETITIONER in WP No.27240 and 27241 of 2015
N.DEVADOSS ... PETITIONER in WP No.27242 and 27243 of 2015
PUNNIYAMURTHY ... PETITIONER in WP No.27244 and 27245 of 2015
N.MUTHUIRULANDI ... PETITIONER in WP No.27246 and 27247 of 2015
N.THIRUNAVUKARASU ... PETITIONER in WP No.27248 and 27249 of 2015
S.GUNASUNDARI ... PETITIONER in WP No.27250 and 27251 of 2015

vs.

- 1 The Revenue Secretary
Government of Tamil Nadu
Fort St. George
Chennai 600 009
- 2 The Secretary
Home Department
Government of Tamil Nadu
Chennai 600 009
- 3 The Collector
Thiruvallur District
Thiruvallur Collectorate
Thiruvallur
- 4 The Revenue Divisional Officer
Ambattur
Chennai 600 053
- 5 The Tahsildar
Thiruvotriyur Taluk Office
Chennai 600 019

6 The Village Administrative Officer
Ramakrishna Nagar
Ernavoor
Chennai 600 057

7 The Commissioner of Police
Chennai City
Egmore
Chennai 600 008

8 The Deputy Commissioiner of Police
Madhavaram Circle
Madhavaram
Chennai

9 The Assistant Commissioner of Police
Ennore Range
Chennai 600 057

10 The Inspector of Police
M-5 Ennore Police Station
Ennore
Chennai 600 057

Respondents in all the petitions

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus

WP No.27226 of 2015 :-Directing the respondents to pay compensation of Rs.40 Lakhs for the damage caused by demolishing the building without following principles of nature justice or any Rule of Law.

WP No.27227 of 2015:- Forbearing the respondents from disturbing the peaceful possession of the property covered under the sale deed No.6698/2009, which is in the possession of the petitioner.

WP No.27228 of 2015:-Forbearing the respondents from disturbing the peaceful possession of the property covered under the sale deed No.8699/2009, which is in the possession of the petitioner.

WP No.27229 of 2015:- Directing the respondents to pay compensation of Rs.20 Lakhs for the damage caused by demolishing the building without following principles of nature justice or any Rule of Law.

WP No.27230 of 2015:-forbearing the Respondents from disturbing the peaceful possession of the property covered under the unregistered sale deed dated 31.5.2012 on the basis of the settlement deed Nos. 2285 and 2286/1986, which is in the possession of the petitioner.

WP No.27231 of 2015:-Directing the Respondents to pay compensation of Rs.12 Lakhs for the damage caused by demolishing the building without following principles of natural justice or any rule of law

WP No.27232 of 2015:-Directing the respondents to pay compensation of Rs.68 Lakhs for the damage caused by demolishing the building without following principles of nature justice or any Rule of Law

WP No.27233 of 2015:-Forbearing the Respondents from disturbing the peaceful possession of the property covered under the sale deed No.2958/2010, Which is in the possession of the petitioner,

WP No.27234 of 2015:-Directing the respondents to pay compensation of Rs.60 Lakhs for the damage caused by demolishing the building without following principles of nature justice or any Rule of Law

WP No.27235 of 2015:-forbearing the Respondents from disturbing the peaceful possession of the property covered under the sale deed No. 5495/2013 and 5496/2013, which is in the possession of the petitioner.

WP No.27236 of 2015:-forbearing the Respondents from disturbing the peaceful possession of the property covered under the sale deed No. 8577/2009 dt. 16/12/2009 which is in the possession of the petitioner.

WP No.27237 of 2015:-Directing the Respondents to pay compensation of Rs. 20 Lakhs for the damage caused by demolishing the building without following principles of natural justice or any Rule of law

WP No.27238 of 2015:-Directing the respondents to pay compensation of Rs.20 Lakhs for the damage caused by demolishing the building without following principles of nature justice or any Rule of Law

WP No.27239 of 2015:-forbearing the respondents from disturbing the peaceful possession of the property covered under the General Power of Attorney Document No.850/2012 which is in the possession of the petitioner.

WP No.27240 of 2015:-forbearing the Respondents from disturbing the peaceful possession of the property covered under the unregistered sale deed dated 5.5.2011, which is in the possession of the petitioner.

WP No.27241 of 2015:-Directing the respondents to pay compensation of Rs.12 Lakhs for the damage caused by demolishing the building without following principles of natural justice or any Rule of Law.

WP No.27242 of 2015:-Directing the respondents to pay compensation of Rs.23 Lakhs for the damage caused by demolishing the building without following principles of natural justice or any Rule of Law.

WP No.27243 of 2015:-forbearing the respondents from disturbing the peaceful possession of the property covered under the unregistered sale deed dated 25.8.2013, which is in the possession of the petitioners

WP No.27244 of 2015:-Forbearing the respondents from disturbing the peaceful possession of the property covered under the unregistered sale deed dated 12.9.2011, which is in the possession of the petitioners.

WP No.27245 of 2015:-directing the respondents to pay compensation of Rs.22 Lakhs for the damage caused by demolishing the building without following principles of natural justice or any Rule of Law.

WP No.27246 of 2015:-Forbearing the respondents from disturbing the peaceful possession of the property covered under the unregistered sale deed No.281 of 2013, which is in the possession of the petitioners.

WP No.27247 of 2015:-directing the respondents to pay compensation of Rs.35 Lakhs for the damage caused by demolishing the building without following principles of natural justice or any Rule of Law.

WP No.27248 of 2015:-directing the respondents to pay compensation of Rs.65 Lakhs for the damage caused by demolishing the building without following principles of natural justice or any Rule of Law.

WP No.27249 of 2015:-Forbearing the respondents from disturbing the peaceful possession of the property covered under the sale deed No.8566/2009, which is in the possession of the petitioner.

WP No.27250 of 2015:-Forbearing the respondents from disturbing the peaceful possession of the property covered under the sale deed No.8567/2009, which is in the possession of the petitioners.

WP No.27251 of 2015:-directing the respondents to pay compensation of Rs.50 Lakhs for the damage caused by demolishing the building without following principles of natural justice or any Rule of Law.

For petitioner
in all the WPs Mr. T. Ramesh

For respondents Mr. P.S. Sivashanmugasundaram
in all the WPs Special Government Pleader

COMMON ORDER

(made by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for all the respondents. With the consent of the learned counsel on either side, the writ petitions are taken up for final disposal, at the admission stage itself.

2 Since the facts and reliefs sought in all these 26 writ petitions are intertwined and even the array of respondents are the

same, these writ petitions are considered and decided by this common order.

3 While W.P. Nos.27226, 27229, 27231, 27232, 27234, 27237, 27238, 27241, 27242, 27245, 27247, 27248 and 27251 of 2015 are filed seeking compensation of lakhs of rupees for the damages caused to the petitioners' respective buildings without following the principles of natural justice or any rule of law, W.P. Nos.27227, 27228, 27230, 27233, 27235, 27236, 27239, 27240, 27243, 27244, 27246, 27249 and 27250 of 2015 are filed seeking a writ of mandamus forbearing the respondents from disturbing the petitioners' peaceful possession of their respective properties covered under the respective sale deeds.

4 The petitioners are stated to be the owners and in possession of the lands in question on the basis of sale deeds executed by the erstwhile owners who were in possession of the same.

5 According to the learned counsel for the petitioners, the authorities, without affording an opportunity of hearing to the petitioners as mandated by this Court in a catena of decisions, had demolished the structures in question on 12th January 2015, causing irreparable loss and damages to the petitioners. Hence, the petitioners seek a direction to the effect that the authorities be forborne from evicting them from their present place of occupation and possession, without affording them an opportunity of effective hearing, in future. The learned counsel also places reliance on G.O (Ms.) No.540, Revenue Department dated 4th December 2014, wherein, the authorities have been directed to inform the parties beforehand and then take appropriate decision, after affording full opportunity to the parties concerned.

6 The learned Special Government Pleader appearing for the respondents submits that the authorities are under an obligation to take action only after informing the parties concerned and after affording an opportunity of hearing to them and even in the cases on hand, notice was given to the petitioners.

7 Be that as it may, at this stage, we are not delving on the factual disputes. However, we make it clear to the authorities concerned that in case of encroachment by any persons, particularly, the petitioners herein, they shall have a prior notice affording an opportunity of hearing to them before taking any consequential action for removal of the encroachment or demolition of the structure allegedly put up unauthorisedly.

8 The learned counsel for the petitioners submits that the petitioners have suffered damages. As such, we reserve liberty to the petitioners to take recourse to the appropriate and competent jurisdictional Civil Court, seeking damages/compensation under provisions of law, if any, as advised.

9 The writ petitions stand disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Revenue Secretary
Government of Tamil Nadu
Fort St. George
Chennai 600 009
- 2 The Secretary
Home Department
Government of Tamil Nadu
Chennai 600 009
- 3 The Collector
Thiruvallur District
Thiruvallur Collectorate
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- 4 The Revenue Divisional Officer
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- 6 The Village Administrative Officer
Ramakrishna Nagar
Ernavoor
Chennai 600 057
- 7 The Commissioner of Police
Chennai City
Egmore
Chennai 600 008
- 8 The Deputy Commissiainer of Police
Madhavaram Circle
Madhavaram
Chennai

9 The Assistant Commissioner of Police
Ennore Range
Chennai 600 057

10 The Inspector of Police
M-5 Ennore Police Station
Ennore
Chennai 600 057

1 cc to the Government Pleader, Sr. 47627
1 cc to Mr.T. Ramesh, Advocate, sr. 46768

W.P. Nos.27226 to 27251 of 2015

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