

In the High Court of Judicature at Madras

Dated : 30.11.2015

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.35884 of 2015 and MP.Nos.1 and 2 of 2015

V.Kittu

...Petitioner

Vs

- 1.The District Collector, Kancheepuram District.
- 2.The Revenue Divisional Officer, Chengalpattu, Kancheepuram District.
- 3.The Tahsildar, Thirukazhukundram Taluk, Kancheepuram District.
- 4.The Executive Officer, Mamallapuram Town Panchayat (Spl. Grade), Mamallapuram, Thirukazhukundram Taluk, Kancheepuram District.
- 5.N.M.Murugan, Executive Officer, Mamallapuram Town Panchayat (Spl. Grade), Mamallapuram, Thirukazhukundram Taluk, Kancheepuram District.
- 6.The Inspector of Police, Mamallapuram Police Station, Mamallapuram, Thirukazhukundram Taluk, Kancheepuram District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to restore the possession of the shops of the petitioner and a small Munieswaran Temple in original places situated at Mamallapuram Beach, Mamallapuram Village, Thirukazhukundram Taluk, Kancheepuram District and consequently direct the respondents to pay damages for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) for the illegal demolition of shops of the petitioner made on 19.10.2015.

For Petitioner : Mr.A.Ramalingam
For Respondents 1 to 3 & 6 : Mr.R.Vijayakumar, AGP
For Respondents 4 & 5 : Mr.N.Srinivasan

ORDER

The petitioner has come up with the above writ petition seeking a direction to the respondents to restore possession of his shops as well as a temple to their original places and also for payment of damages.

2. The learned counsel for the respondents produced documents to establish that the constructions have been made by the petitioner in a land belonging to the Tamil Nadu Tourism Development Corporation and as on date, the entire illegal structures have been demolished and removed. However, the petitioner seeks a direction to restore the possession and for damages.

3. Unless and until the petitioner establishes that he is the rightful owner of the land, the prayer sought for cannot be granted.

4. Hence, the writ petition is dismissed. No costs. Consequently, the above MPs are also dismissed.

-Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Kancheepuram District.

2.The Revenue Divisional Officer,
Chengalpattu, Kancheepuram District.

3.The Tahsildar, Thirukazhukundram Taluk,
Kancheepuram District.

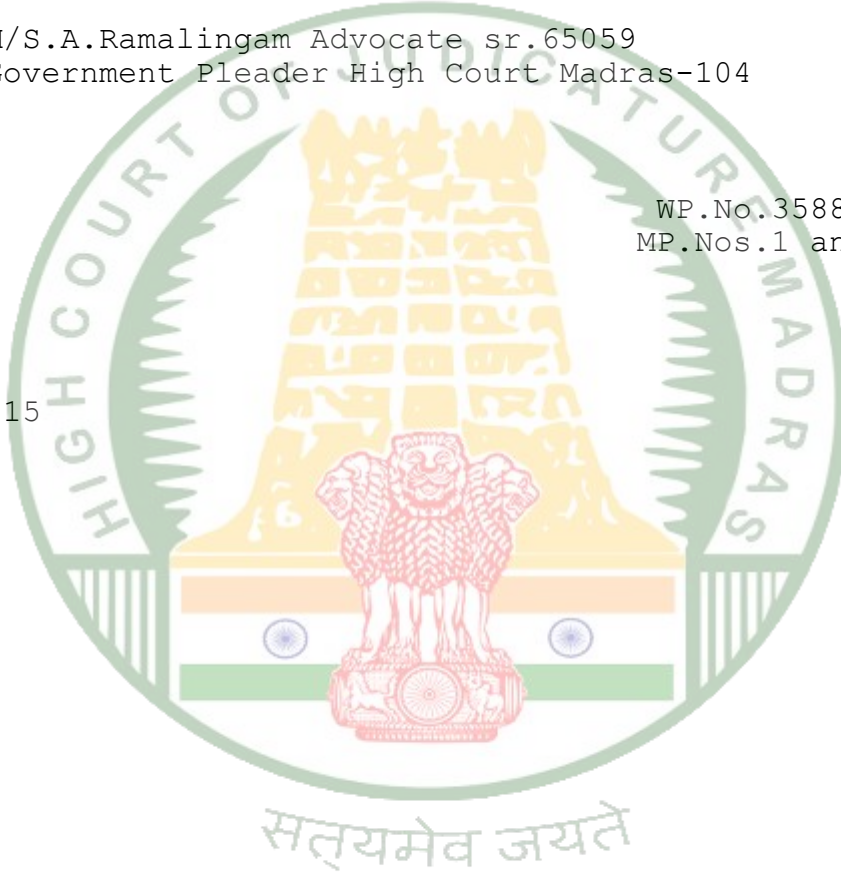
4.The Executive Officer,
Mamallapuram Town Panchayat (Spl. Grade),
Mamallapuram, Thirukazhukundram Taluk,
Kancheepuram District.

5.The Inspector of Police,
Mamallapuram Police Station,
Mamallapuram,
Thirukazhukundram Taluk,
Kancheepuram District.

+1 cc to M/S.A.Ramalingam Advocate sr.65059
+1 cc to Government Pleader High Court Madras-104
sr.65213

WP.No.35884 of 2015 &
MP.Nos.1 and 2 of 2015

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