



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.19989 of 2016

and

W.M.P. (MD) No.14391 of 2016

N.Selvam

: Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The District Revenue Officer,
Trichy District, Trichy.

3.The Revenue Divisional Officer,
Srirengam Division,
Srirengam, Trichy District.

4.The Tahsildar,
Srirengam Taluk, Srirengam, Trichy District.

5.The President,
Sedhurappatti Village Panchayat,
Srirengam Taluk, Trichy District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from evicting the petitioner from the property in S.No.298 in Sethurappatti Village, Srirengam Taluk, Trichy District, without paying compensation by considering the petitioner's representation dated 26.09.2016.

For Petitioner : Mr.K.Baalasundharam

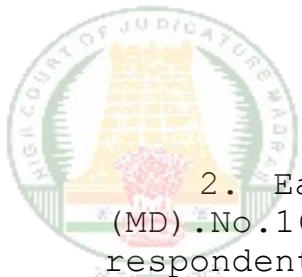
For Respondent Nos.1to4: Mr.S.Chandrasekar
Government Advocate

For Respondent No.5 : Mr.M.Rajarajan
Government Advocate

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner has come up with this Writ Petition seeking a direction to forbear the respondents from evicting him from the property in S.No.298, situated in Sethurappatti Village, Srirengam Taluk, Trichy District, without paying compensation, by considering his representation dated 26.09.2016.



2. Earlier, the petitioner filed a Writ Petition in W.P. (MD).No.16748 of 2014, seeking a Writ of Mandamus directing the respondents, namely, the Revenue Department, from dispossessing him from the property, comprised in S.No.298, situated in Sethurappatti Village, Srirangam Taluk, Trichy District, without following the due process of law.

3. When the said Writ Petition came up for hearing, on 30.08.2016, the petitioner gave an undertaking to vacate and hand over the vacant land. The said undertaking given by the petitioner was recorded in Paragraph No.4 of the order, which reads as follows:-

"4. When this Writ Petition was taken up for hearing on 29.08.2016, the learned counsel for the petitioner on instruction submitted that the petitioner would vacate and hand over possession of the property, in case reasonable time is given. Accordingly, the matter was adjourned to be posted today".

4. Thereafter, the petitioner has made a representation on 26.09.2016, seeking only compensation. Since there was an attempt made to evict the petitioner, he has come up with this Writ Petition.

5. The case of the petitioner is that he purchased the said land in the year 1969 by way of registered sale deed for a valuable consideration and from that time onwards, he has been in possession and enjoyment of the property and constructed a pacca building.

6. There is no denial of the said fact. From the said fact, it is crystal clear that the construction was made several decades ago and the petitioner has been in possession of the said property all along, without there being any objection from the Government Authorities. Suddenly, the authorities have woke up and made an attempt to evict the petitioner from the property in question. As undertaken before this Court, the petitioner is willing to vacate and hand over the vacant land, but, he wants only compensation. Whether the petitioner is entitled for compensation or not is a matter to be gone into only by the authority concerned, about which, we do not want to express any opinion at this stage.

7. In view of the above, we dispose of the present Writ Petition with a direction to the petitioner to adhere to the undertaking given in the earlier Writ Petition. But, at the same time, we also direct the District Collector, Trichirappalli District, to consider the request of the petitioner for payment



of compensation for the superstructure. We make it clear that the said request for payment of compensation shall be considered independently by the District Collector and the same has got nothing to do with the obligation of the petitioner to hand over vacant possession of the property. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (C.S.II)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Trichy District, Trichy.
- 2.The District Revenue Officer,
Trichy District, Trichy.
- 3.The Revenue Divisional Officer,
Srirengam Division,
Srirengam, Trichy District.
- 4.The Tahsildar,
Srirengam Taluk, Srirengam, Trichy District.
- 5.The President,
Sedhurapatti Village Panchayat,
Srirengam Taluk, Trichy District.

+1 cc to Mr.K.Baalasundharam, Advocate in Sr No.19989

ORDER MADE IN
W.P.[MD].No.19989 of 2016
26.10.2016

NB

ANR/PV/SAR1/04.11.2016/3P/7C