

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.7174 of 2017
and W.M.P.Nos.7798 & 7799 of 2017

AND

W.P.No.7175 of 2017

1. N. GovindarajanPetitioner in both cases

-vs-

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Tahsildhar,
Thiruttani Taluk,
Thiruvallur District.

3. The Commissioner,
Thiruttani Municipality
Thiruvallur District.

4. The Assistant Director,
Town and Country Planning,
Thiruvallur- 602 001.

5. ManiRespondents in both cases

Prayer in W.P.No.7174 of 2017: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first Respondent to remove the encroachments in S.F.No.270/12, Thiruttani Village, Thiruttani Taluk, Thiruvallur District.

Prayer in W.P.No.7175 of 2017 : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the third Respondent to pay Rs.7 lakhs to the Petitioner as compensation for having illegally demolished

the compound wall in S.F.No.265/3B2B, Thiruttani Village, Thiruttani Taluk, Thiruvallur District.

For Petitioner : Mr.E.P. Senniayangiri

For Respondents : Mr.R. Vijayakumar,
Additional Government Pleader
for R1 to R4.

COMMON ORDER

(Order of the Court was made by
THE HON'BLE ACTING CHIEF JUSTICE)

Heard the learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for respondents 1 to 4.

2. The writ petitions have been filed seeking issuance of Writ of Mandamus, directing the first Respondent to remove the encroachments in S.F.No.270/12, Thiruttani Village, Thiruttani Taluk, Thiruvallur District and for issuance of a Writ of Mandamus, directing the third Respondent to pay Rs.7 lakhs to the Petitioner as compensation for having illegally demolished the compound wall in S.F.No.265/3B2B, Thiruttani Village, Thiruttani Taluk, Thiruvallur District respectively.

3. The case of the petitioner is that he is the owner of the residential house located in S.F.No.265/3B1 and 265/3B2B, Thiruttani Village, Thiruvallur District and he had submitted a representation to the authorities in the year 2011 itself against the fifth respondent with regard to encroachment and in order to avoid eviction proceedings, the fifth respondent had filed a writ petition in W.P.No.7369 of 2015, which resulted in a counter blast against the petitioner and ultimately, demolition of his compound wall, but, still the encroachment alleged by the petitioner has not been removed and hence, the writ petitions have been filed for removal of the alleged encroachment and compensation alleging that his compound wall had been illegally demolished.

4. The learned Additional Government Pleader submitted that only after proper survey and after notice and demarcation only, the compound wall was demolished and now the petitioner wants to have a re-survey and claims damages.

5. The reliefs sought for by the petitioner cannot be looked into in the present writ petitions. If at all the petitioner intends to have a re-survey, he can seek for the same before the

authority concerned, on payment of suitable charges and thereafter, if he is aggrieved over the demolition, he can approach the civil court for removal of the encroachment and compensation. The writ petitions are disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Tahsildhar,
Thiruttani Taluk,
Thiruvallur District.
3. The Commissioner,
Thiruttani Municipality
Thiruvallur District.
4. The Assistant Director,
Town and Country Planning,
Thiruvallur- 602 001.

+1cc to Mr.Srinivas, Advocate, S.R.No.18862
+1cc to Mr.Senniyangiri, Advocate, S.R.No.18579
+1cc to the Government Pleader, S.R.No.18833

W.P.Nos.7174 and 7175 of 2017

SSI (CO)
RS(13/04/2017)

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