



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16245 of 2017

M.Balasubramaniam

... Petitioner

Vs.

1. The District Collector,
Dindigul District, Dindigul.
2. The Tahsildar, Kodaikanal Taluk,
Kodaikanal, Dindigul District.
3. Parthiban, The Tahsildar,
Kodaikanal Taluk, Kodaikanal,
Dindigul District.
4. Inspector of Police,
Kodaikanal Police Station,
Kodaikanal, Dindigul District.
5. Ajith Mathayee

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to grant Rs.2.00 Lakhs as compensation to the petitioner for illegally destroyed the dwelling house on 14.04.2017 in T.S.No.9 at Block No.22, St.Mary's Road, Kodaikanal Town, Dindigul District with an extent of 3 cents.

For Petitioner : V.Sankaranarayanan

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

This writ petition has been filed for directing the respondents 1 to 3 to grant Rs.2.00 Lakhs as compensation to the writ petitioner for having illegally destroyed his dwelling house on 14.04.2017.

2. Even according to the writ petitioner, the property occupied by the writ petitioner is not a patta land. The writ petitioner was paying B Memo. The allegation levelled by the writ petitioner is denied.



3.The learned counsel appearing for the writ petitioner would place reliance on the judgment and decree dated 26.06.2015 made in O.S.No.73 of 2015 on the file of the District Munsif cum Judicial Magistrate Court, Kodaikanal. But a mere look at the said decree would show that the writ petitioner had obtained the same against one Rameshbabu. The Government is not a party to the said suit proceedings. The photographs enclosed in the typed set of papers show that the tin sheet erected on a land has been removed by the revenue officials with police assistance. There is nothing on record to show that a dwelling house was illegally demolished as claimed by the writ petitioner. In any event, in matters such as this which involve adjudication of disputed questions of fact, it is only the civil Court that is best suited to decide, the issues can be decided. Filing writ petition under Article 226 of the Constitution of India is not appropriate.

4.We therefore dismiss this writ petition. The writ petitioner is however at liberty to institute a suit claiming compensation from the respondents, if he is otherwise entitled in law. No costs.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Dindigul District, Dindigul.

2.The Tahsildar, Kodaikanal Taluk, Kodaikanal,
Dindigul District.

3.Inspector of Police, Kodaikanal Police Station,
Kodaikanal, Dindigul District.

+1cc to Mr.V.Sankaranarayanan, Advocate Sr.No.75275

+1cc to Spl.Government Pleader Sr.No.75728

SKM/ARUL

VB/GT/SAR1/21/09/2017/2P/6C

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