



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.324 of 2017

M.Petchi Pandian

.. Petitioner

Vs.

1. The Secretary to the Government,  
Public Works Department,  
Secretariat, Chennai.

2. The Member Secretary,  
Local Planning Authority,  
No.108, Trivandrum Road,  
Tirunelveli.

3. The Director,  
Municipal Administration,  
Ezhilagam 6<sup>th</sup> floor,  
Chennai.

4. The District Collector,  
Tirunelveli District,  
Tirunelveli.

5. The Revenue Divisional Officer,  
Tirunelveli Sub-Division,  
Tirunelveli.

6. The Tahsildar,  
Tirunelveli Taluk,  
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent Nos.1 to 3 to award a sum of Rs.13,50,000/- towards compensation along with its accrued rate of interest on the strength of the petitioner's representation dated 21.11.2016 within the stipulated time as prescribed by this Court.

For petitioner

: Mr.R.Anand

For respondents

: Mr.M.Govindan

Special Government Pleader

**O R D E R**

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[Order of the Court was made by **K.K.SASIDHARAN, J.**]

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The petitioner filed this Writ Petition for issuance of Writ of Mandamus directing the respondents 1 to 3 to award a sum of Rs.13,50,000/- towards compensation along with interest.

2. It is the case of the petitioner that the sixth respondent issued notice to him to show cause as to why the alleged encroachment at Survey No.520, at Sinthupunthurai Village, should not be removed. The petitioner submitted his reply to the said show cause. However, without passing final orders, he was evicted from the property. According to the petitioner, he sustained damage on account of forcible dispossession, which he quantified at Rs.13,50,000/-.

3. The Writ Petition is filed primarily on the ground that the respondents 1 to 3 evicted him without following due process of law. The land is stated to be Odai Poromboke. In case, the respondents 1 to 3 demolished the superstructure situated in his property, it is always open to the petitioner to file a civil suit before the competent civil Court. It is not possible for this Court either to assess the compensation or to fix the liability, as the matter requires evidence. We therefore do not find any ground to entertain this Writ Petition. However, we make it clear that this order would not stand in the way of the petitioner from filing a civil suit, if he is so advised.

4. The Writ Petition is disposed of, with the above observation. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to the Government,  
Public Works Department,  
Secretariat, Chennai.

2. The Member Secretary,  
Local Planning Authority,  
No. 10, Periyandrum Road,  
Tirunelveli.



3. The Director,  
Municipal Administration,  
Ezhilagam 6<sup>th</sup> floor,  
Chennai.

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4. The District Collector,  
Tirunelveli District,  
Tirunelveli.

5. The Revenue Divisional Officer,  
Tirunelveli Sub-Division,  
Tirunelveli.

6. The Tahsildar,  
Tirunelveli Taluk,  
Tirunelveli District.

+1cc to Mr.R.Anand, Advocate SR.NO.66748

+1cc to The Spl.Government Pleader Sr.No.66999

SSL/SM

VB/KK/SAR1/01/08/2017/3P/9C

**W.P. (MD) No.324 of 2017**  
**20.07.2017**