



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A. [MD] .No.1102 of 2013
and
M.P (MD) .No.1 of 2013

S.Nalla Mohamed : Appellant
Vs.

1.The District Collector,
Tiruchirappalli District, Tiruchirappalli.

2.The Commissioner of Police,
Trichy City, Trichy.

3.The Inspector of Police,
Idamalaipattipudur, Trichy.

4.The Trichirappalli City Municipal Corporation,
Rep by its Commissioner,
Tiruchirappalli.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 11.04.2012 made in W.P.(MD).No.13709 of 2010, on the file of this Court.

Prayer in WP(MD) . 13709/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS, directing the Respondents to forthwith rebuild the demolished portion of the Compound Wall of Old Sakthivel Colony, Edamalaipattipudur, Tiruchi-12, besides making a payment of Rs.2 Lakhs by way of compensation.

For Appellant : Mr.M.Ajmal Khan
Senior Counsel
For Mr.C.Venkateshkumar

For Respondents : Mr.V.Muruganantham
Additional Government Pleader

**JUDGMENT**

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This Writ Appeal is directed against the order dated 11.04.2012 made in W.P.(MD).No.13709 of 2010.

WEB COPY

2. The said Writ Petition was filed by the appellant herein seeking a direction to the respondents to rebuild the demolished portion of the compound wall of Old Sakthivel Colony, Edamalaipattipudur, Trichy.

3. According to the respondents, a detailed enquiry was conducted and thereafter only, a portion of the compound wall was demolished in order to give access to reach the Adi Dravidar Colony, otherwise, they have to take a circuitous route of around 1 kilometre to reach the Adi Dravidar Colony. The Writ Court while dismissing the Writ Petition, made it clear that the proper remedy for the appellant is to approach the competent Civil Court claiming all reliefs, including the relief for damages, since, on an earlier occasion, the Writ Court, in W.P.(MD).No.14198 of 2010, by order dated 06.12.2010, gave an opportunity to the appellant to urge for compensation. Thus, we find no ground to take a different stand than the one taken by the Writ Court. Accordingly, the Writ Appeal is dismissed, confirming the observation made by the Writ Court. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Tiruchirappalli District, Tiruchirappalli.

2.The Commissioner of Police,
Trichy City, Trichy.

3.The Inspector of Police,
Idamalaipattipudur, Trichy.

4.The Commissioner,
Trichirappalli City Municipal Corporation,
Tiruchirappalli.

+1cc to AJMAL ASSOCIATES in SR. NO.59009

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.59402

NB

JS/GT/SAR.4/28.06.2017/2P-7C

<https://hcservices.ecourts.gov.in/hcservices/>**JUDGMENT MADE IN****W.A. [MD] .No.1102 of 2013****06.06.2017**