



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 06.07.2017

CORAM:

**THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN**

**AND**

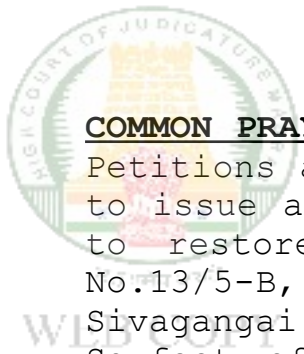
**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

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W.P. [MD].Nos.13433, 13334, 13335 and 11718 of 2013  
and  
M.P. (MD) Nos.1,1,1 and 1 of 2013

A.Durai Pandi : Petitioner in W.P. (MD) No.13433 of 2013  
M.Vijaya : Petitioner in W.P. (MD) No.13334 of 2013  
D.Muthu : Petitioner in W.P. (MD) No.13335 of 2013  
M.Sathish Kumar : Petitioner in W.P. (MD) No.11718 of 2013  
Vs.

- 1.The State of Tamil Nadu,  
Rep. by its Principal Secretary,  
Department of Municipalities and  
Local Administration,  
Fort St. George,  
Chennai-600 009.
- 2.The District Collector,  
Sivagangai, Sivagangai District.
- 3.The Hindu Religious and Charitable Endowment,  
Through its Assistant Commissioner,  
Sivagangai District. : Respondents 1 to 3 in all W.Ps.
- 4.The Manamadurai Special Grade Panchayat,  
Manamadurai,  
Sivagangai District. : Respondent No.4 in W.P. [MD].Nos.13433,  
13334 and 13335 of 2013
- 4.The Executive Officer,  
Manamadurai Special Grade Panchayat,  
Manamadurai,  
Sivagangai District. : Respondent No.4 in W.P. (MD)  
No.11718/2013
- 5.Arul Migu Somanatha Swamy Trust,  
Rep. by its the Manager,.  
No.332/18, Keela Ratha Veethi,  
Sivagangai District. : Respondent No.5 in W.P. [MD].Nos.13433,  
13334 and 11718 of 2013



**COMMON PRAYER in W.P.[MD].Nos.13433, 13334 and 11718 of 2013:** Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent Nos.1 to 3 to restore the premises occupied by the petitioners in Door No.13/5-B, North Car Street, Manamadurai Village and Taluk, Sivagangai District in Survey No.18-16 in an extent of 20 x 24 Sq.feet of land prior to eviction and consequently, direct the first respondent to provide the compensation of Rs.10,00,000/- (Rupees Ten Lakhs only) for forcible eviction of the petitioners without following the legal requirements as prescribed under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act of 1905, within the time stipulated by this Court.

**PRAYER in W.P.[MD].No.13335 of 2013:** Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent Nos.1 to 3 to restore the premises occupied by the petitioner in Door Nos.26,27, 28, 29 at North Car Street, Manamadurai Village and Taluk, Sivagangai District in Survey No.18 in an extent of 3200 Sq.feet of land prior to eviction and consequently, direct the first respondent to provide the compensation of Rs.10,00,000/- (Rupees Ten Lakhs only) for forcible eviction of the petitioner without following the legal requirements as prescribed under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act of 1905, within the time stipulated by this Court.

For Petitioners : Mr.S.Rajasekar,  
For Mr.T.Lajapathi Roy  
For Respondents 1to3  
(in all cases): Mr.T.S.Mohammed Mohideen,  
Additional Government Pleader  
For Respondent No.4  
(in all cases): Mr.R.Karthik Rajan,  
For Mr.R.Anandharaj  
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### C O M M O N O R D E R

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

These Writ Petitions are filed to direct the respondents to restore possession of the properties stated to have been taken possession from the petitioners.

2. There is no question of issuing a Mandamus for restoration of possession. It is always open to the parties to approach the Civil Court for appropriate relief.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The Writ Petitions are disposed of with the above



observation. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

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Sub Assistant Registrar

To

1.The Principal Secretary,  
State of Tamil Nadu,  
Department of Municipalities and  
Local Administration,  
Fort St. George, Chennai-600 009.

2.The District Collector,  
Sivagangai, Sivagangai District.

3.The Assistant Commissioner,  
The Hindu Religious and Charitable Endowment,  
Sivagangai District.

+3cc to Mr.T.Lajapathi Roy,Advocate,SR.64206,64207,64208

+1cc to M/s.Special Government Pleader,SR.64451

W.P.[MD].Nos.13433, 13334, 13335 and 11718 of 2013  
06.07.2017

SML/MYR

KK/GT/SAR 2/31.07.2017/3P-8C/