

**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.17659 of 2013
and
M.P. (MD)No.1 of 2013

Taluk Ex.Servicemen Association,
Rep by its President,
G.Gopala Krishnan.

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Principal Secretary,
Dept 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.
4. The Special Grade Panchayat,
Manamadurai,
Sivagangai District,
5. Arul Migu Somanatha Swamy Trust,
Rep by its Manager,
332/18, Keela ratha veethi,
Manamadurai,
Sivagangai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents No.1 to 3 to restore association occupied by the petitioner in door no.5, East car street, West Bank, Manamadurai town, Sivagangai District in survey no.332/18 in an extent of 800 sq.ft of land prior to eviction and consequently direct the respondents No.1 to provide the compensation of Rs.16,00,000/- (Rupees Sixteen



Lakhs Only) for forcible eviction of the petitioner without following the legal requirements as prescribed under section 6 and 7 of the Tamil Nadu Land Encroachment Act of 1905.

For petitioner : Mr.S.Rajasekar

For R1 to R3 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

For R5 : Mr.S.Madhavan
for Mr.AT. Srinivasa Raghavan

For R4 : Mr.T.S.Mohammed Mohideen

O R D E R

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

The petitioner filed the writ petition to direct the first respondent to provide a sum of Rs.16,00,000/- as compensation on account of the forcible eviction without following the legal requirements as prescribed under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905.

2. There is no question of awarding compensation in a matter like this by entertaining a writ petition under Article 226 of the Constitution of India. The matter requires adjudication on the basis of the evidence let in by both the parties.

3. We are therefore of the view that the petitioner has not made out a case for issuance of a writ of mandamus.

4. In the upshot, we dismiss the writ petition. However, we make it clear that this order would not stand in the way of the petitioner from approaching the appropriate Civil Court for redressal of grievances. Consequently, the connected M.P., Closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Principal Secretary to Government of Tamil Nadu,
Dept of Municipalities and Local Administration,
Public Works,
Chennai-600 009.



2. The District Collector,
Sivagangai,
Sivagangai District.

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

+1cc to The Spl.Government Pleader Sr.No.75727
+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.75227
+1cc to Mr.T.S.Mohammed Mohideen, Advocate SR.No.75268

AKV/PSD

VB/SV/MMS/SAR2/25/09/2017/3P/7C

ORDER MADE IN
W.P. (MD) No.17659 of 2013
29.08.2017