

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21-06-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.11230 of 2013

And

M.P.No.1 of 2013

K.Jeyapal

.. Petitioner

Versus

1.The Collector,
Thiruvannamalai District.

2.The Thasildar,
Revenue Department,
Thiruvannamalai District.

3.The Chief Engineer,
PW Department,
Mudiyapur,
Thandarampattu Taluk.

.. Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to pay compensation for damaging the patta agricultural property and also their representative not to disturb the peaceful possession of the patta land/property vide Survey No.16/1A.

For Petitioner : Mr.N.Jayachander

For Respondents : Mrs.A.Sri Jayanthi,
Special Government Pleader.

ORDER

The relief sought for in this writ petition is for a direction to direct the respondents to pay compensation for damaging the patta agricultural property and also their representative, not to disturb the peaceful possession of the patta land/property in Survey No.16/1A

2. The learned counsel, appearing on behalf of the writ petitioner, states that the authorities had illegally evicted the writ petitioner and therefore, the writ petitioner is

entitled for compensation for such illegal eviction.

3. The learned Special Government Pleader, appearing on behalf of the respondents, states that the writ petitioner is an encroacher and was in occupation of the Water Body. However, the writ petitioner had already been evicted from the premises.

4. May that it be.

5. If at all the writ petitioner wants to claim any compensation for any illegal damage, it is left open to the writ petitioner to approach the competent Civil Court of Law for compensation. For award of compensation, examination of witnesses and documents are involved and the disputed question of fact, cannot be decided in a writ petition under Article 226 of the Constitution of India. Thus, it is left open to the writ petitioner to approach the appropriate Civil Court for the purpose of redressal of his grievances, if any exist.

6. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

Svn

To

1.The Collector,
Thiruvannamalai District.

2.The Thasildar,
Revenue Department,
Thiruvannamalai District.

3.The Chief Engineer,
PW Department,
Mudiyapur,
Thandarampattu Taluk.

+1cc to Mr.N.Jayachandran, Advocate SR.No.39624
+1cc to Government Pleader SR.No.39553

W.P.No.11230 of 2013

GN(27/06/2018)