

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1731 of 2018
and
W.M.P.No.2155 of 2018

M.Vijay Anand

.. Petitioner

Vs.

1. The Secretary to Government,
Land Administration Department,
Fort St.George, Chenna-600 009.
2. The Additional Chief Secretary,
Commissioner of Land Administration,
Chepauk, Chennnai-600 009.
3. The Secretary,
Public Works Department,
Secretariat, Fort St.George,
Chennai-600 009.
4. The Secretary,
Highways Department,
Secretariat, Fort St.George,
Chennai-600 009.
5. The District Collector,
Villupuram District,
Villupuram-605 602.
6. The Assistant Divisional Engineer,
Highways Department,
Sankarapuram, Villupuram.
7. The Tahsildar,
Sankarapuram,
Villupuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to restore the petitioner's possession of the medical shop running in the name and style of

"Vijaya Medicals", comprised in Survey No.95/2, on the right side of the Moongilthuraipattu-Porasappatu Roads, Sankarapuram Taluk, as the land on which the shop was situated, belongs to the Revenue Department, which had been demolished by the sixth respondent on 09.11.2016 along with the compensation to the tune of Rs.8,50,000/- for the damage caused to the shop and the stocks of drugs, fittings and furniture, etc., therein.

For petitioner : Mr.Ashok Menon

For respondents: Mr.A.N.Thambidurai, Spl.G.P.

ORDER

(The Order of the Court was made by S.Vaidyanathan, J)

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to restore the petitioner's possession of the medical shop which was being run in the name and style of "Vijaya Medicals", comprised in Survey No.95/2, on the right side of the Moongilthuraipattu-Porasappatu Roads, Sankarapuram Taluk, as the land on which the shop was situated, belongs to the Revenue Department, which had been demolished by the sixth respondent on 09.11.2016, along with the compensation to the tune of Rs.8,50,000/- for the damage caused to the shop and the stocks of drugs, fittings and furniture, etc., therein.

2. With regard to the restoration of the said medical shop demolished by the respondents, the petitioner has made a representation, dated 27.01.2017, to the authorities, wherein one of the grievances of the petitioner is that no notice has been issued to him.

3. A reading of the said representation, dated 27.01.2017 makes it clear that the notice has actually been issued. The petitioner has not produced any document to show that he is the owner of the said property in which the medical shop was run by him. In fact, in the said representation, the petitioner has stated that there was a building in existence, in which he had entered and started running the medical shop. Admittedly, the land in which the said medical shop existed, is a 'Punja' land. The petitioner has no title to the document and that the building had been demolished, which fact has also been admitted by the learned counsel for the petitioner, when a statement was made across the Bar by the learned Special Government Pleader and in the counter affidavit of the sixth respondent, it has been stated that the encroachers have been informed by Tom Tom regarding the eviction and also that the encroachment in S.No.95/2 has also been removed.

4. This Court cannot go in the question of granting the relief sought for by the petitioner in this Writ Petition. In the counter affidavit, it is further stated that the encroachment has been removed by following due process of law and that the building has been demolished. If the petitioner is able to prove his title and his continuation in the property for years and that he would be entitled to compensation, then the petitioner will have to work out his remedy before the appropriate forum, as this Court cannot adjudicate on the disputed questions of fact raised in this Writ Petition.

5. Hence, the relief sought for by the petitioner in this Writ Petition cannot be granted. It is needless to mention that if the petitioner is able to establish his case before the appropriate forum, he shall claim compensation before that forum.

6. With the above observations, the Writ Petition is dismissed. No costs. Consequently, W.M.P. is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Land Administration Department,
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Villupuram-605 602.
 6. The Assistant Divisional Engineer,
Highways Department, Sankarapuram, Villupuram.
 7. The Tahsildar, Sankarapuram, Villupuram.
- + 2 ccs to Mr. Ashok Menon, Advocate Sr.20317
+1 cc to Special Government Pleader Sr.20491

W.P.No.1731 of 2018

MR(CO)
EU(09/04/2018)