

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.08.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.17170 of 2003

and

WMP.No.21474 of 2003

Elizabeth Alexandar

..Petitioner

-Vs-

1. The Commissioner, Kodaikanal
Township, Kodaikanal.

2. The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal.

3. The Collector of Dindigul

4. The Tahsildar of Kodaikanal

... Respondents

R3 & R4 impleaded as per order dated
6.11.2003 in WPMP.No.36947 of 2003.

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus of any other appropriate writ or order or direction in the nature of a writ of mandamus forbearing the respondents and its officers and servants from in any way interfering with the possession and enjoyment of the land of 15 cents in extent comprised in survey No.53/C1.A2 in Door No.17/391-A1, Fern Hill Road, Kodaikanal belonging to the petitioner situated within the limits of Kodaikanal Township and consequently directing the respondents to pay the compensation one lakh of rupees to the petitioner for the illegal demolition of the compound wall of the petitioner including the car shed, portico and garden in front of the house.

For Petitioner : Mr. P. Soloman Francis

For Respondents : Mr. S. Kadarkarai for R1
Mr. K. Bhuvaneswari
for R2 to R4

O R D E R

The learned counsel appearing for the petitioner would submit that though the Writ Petition relates to payment of compensation on the ground of illegal demolition of compound wall including car shed, portico and garden by the local authority, it is the admitted case of the petitioner that the petitioner is in possession of the property after assignment and regularisation of the same is pending, while so, the local authority came to the petitioner's property and removed the compound wall, however till date the request to regularise the assignment in favour of the petitioner is was pending since 1970 onwards.

2. The learned counsel for the petitioner submitted that it is sufficient if a direction to the Third respondent to take appropriate decision on the representation dated 07.02.2007 made by the petitioner.

3. The learned counsel appearing for the respondents expressed no objection to concede with the learned counsel for the petitioner.

4. In view of the above limited request sought by the petitioner, I am inclined to issue direction to the Third respondent to consider the representation dated 7.2.2007 of the petitioner and pass appropriate orders within a period of four (4) weeks from the date of receipt of a copy of this order, after giving opportunity of personal hearing to the petitioner and the petitioner is also directed to cooperate in the enquiry conducted by the third respondent and for ready reference the petitioner is directed to forward a copy of the representation dated 07.2.2007 along with the original order copy enabling the third respondent to pass appropriate orders. The Writ Petition is disposed of with the above direction. Interim order continued for four weeks. No costs. Consequently connected Miscellaneous petition is closed.
mrn

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
1. The Commissioner, Kodaikanal
Township, Kodaikanal.

2. The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal.

3. The Collector of Dindigul

4. The Tahsildar of Kodaikanal

+lcc to Mr.S.Kadarkarai, Advocate, SR.No.65870

+lcc to Mr.P.Solomon Francis, Advocate, SR.No.66111

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Kak(30/09/2019)



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