

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.06.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D.AUDIKEVALU

W.P. No.18180 of 2019

A. M. Raju

... Petitioner

-vs-

1. The Secretary to Government,
Health Department,
Government of Tamil Nadu,
St. Fort George,
Chennai.
2. The Secretary to Government,
Revenue Department,
Government of Tamil Nadu
St. Fort George,
Chennai.
3. The District Collector,
Salem,
Salem District.
4. The Dean,
Mohan Kumaramangalam,
Government Medical College Hospital,
Salem - 1.

... Respondents

Prayer :- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, directing the Respondents to pay the compensation and damages to the tune of Rs.2,00,000,00/- (Rupees Two Crores Only) for occupying and raising illegal construction of Mortuary in 4000 Sq.ft on the Northern side of the total extent of 19 cents comprised in Old T.S.No.68/1 and New T.S.No.1822/1, situated at Block D, Cheivapet, Periyeri Village, Salem Town and District.

For Petitioner :Mr. R. Rajarajam

For Respondents :Mr. M. Karthikeyan for R1 to R3
Additional Government Pleader

O R D E R

The Writ Petition has been filed by the Petitioner for directing the Respondents to pay the compensation and damages to the tune of Rs.2,00,000,00/- for occupying and raising illegal construction of mortuary in 4000 sq.ft. on the Northern side of the total extent of 19 cents comprised in Old T.S. No. 68/1 and New T.S. No. 1822/1, situated at Block D, Cheivapet, Periyeri Village, Salem Town and District.

2. Mr. M. Karthikeyan, Learned Additional Government Pleader, who takes Notice for the First, Second and Third Respondents, submits that the Vendor of the Petitioner viz., B. V. Nagaraj, had filed the Writ Petition in W.P. No. 22875 of 2018 for similar relief and a detailed order has been passed by the Division Bench of this Court on 30.01.2019 dismissing the same, which squarely covers the matter in issue. A copy of that order has also been produced. Having regard to the fact that the Petitioner does not have any title to the property, his claim for compensation in relation to the same obviously cannot arise for consideration.

3. In the result, following the aforesaid binding decision, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

vji

To

1. The Secretary to Government,
Health Department,
Government of Tamil Nadu,
St. Fort George,
Chennai.

2. The Secretary to Government,
Revenue Department,
Government of Tamil Nadu
St. Fort George,
Chennai.

3. The District Collector,
Salem,
Salem District.

4. The Dean,
Mohan Kumaramangalam,
Government Medical College Hospital,
Salem - 1.

+1 cc to the Government Pleader, S.R.No.54530

W.P. No.18180 of 2019

RSV(CO)
SSM(16/10/2019)



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