

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.29657 of 2019

M.Saravanan

...Petitioner

versus

1. The Government of Tamilnadu,
Rep. by Secretary to Revenue Department,
Fort St.George,
Chennai - 600 009.
2. The Director of Town Panchayat,
Kuralagam,
Chennai - 600 108.
3. The District Collector,
Erode.
4. The District Revenue Officer,
Erode.
5. The Revenue Divisional Officer,
Erode.
6. The Tahsildar (Revenue),
Kodumudi,
Erode District.
7. The Executive Officer,
Kilambadi Town Panchayat,
Kodumudi Taluk,
Erode District - 638 154.

8.V.S.Elango

9.Dr.V.S.Chinnasamy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay a compensation of Rs.10,75,000/- to the petitioner for the illegal demolition of

part of his house committed on 08.03.2019 at R.S.No.200/16 and 200/18 in Najaikilambadi Village, Kombupalayam, Kodumudi Taluk, Erode District.

For Petitioner : Mr.S.Senthilnathan
For Respondent Nos.1 to 7 : Mr.V.Shanmuga Sundar
Special Government Pleader
For Respondent Nos.8 & 9 : Mr.M.Guruprasad

O R D E R

(Order of this Court was made by R.SUBBIAH, J.)

The petitioner has come up with the present Writ Petition for a mandamus, to direct the respondents to pay a compensation of Rs.10,75,000/- to him for the illegal demolition of part of his house committed on 08.03.2019 at R.S.Nos.200/16 and 200/18 in Najaikilambadi Village, Kombupalayam, Kodumudi Taluk, Erode District.

2. The case of the petitioner is that, he is the owner of the house property measuring $7\frac{1}{2}$ cents or 3270 sq.ft. in New Ka.Sa.No.200/2. The said land is under Natham R.S.No.200/2F in Nanjai Kilambadi Village Kodumudi Taluk, Erode District. On the Eastern side, there is a Panchayat road running South to North in R.S.Nos.200/16 and 200/18. Moreover, there is a vacant land between the petitioner's property and the said Panchayat road. Further, respondents 8 and 9 claiming that they got lands in S.Nos.203/1, 203/2, 203/3, 205/3 and 205/6 and they have been using the panchayat lane, to go to their lands.

3. The contention of the respondents 8 and 9 is that as the petitioner encroached their lands, they have filed Writ Petition in W.P.No.23721 of 2018 before this Court for a mandamus, directing the authorities to remove the encroachments in S.F.Nos.200/16 and 18 in Kombupalayam, Kodumudi Taluk, Erode District. The said Writ Petition was disposed of, by directing the Tahsildar, Kodumudi, to hold enquiry giving an opportunity to the petitioner and others. Following the order, the Tahsildar has conducted an enquiry and rejected the contention of the petitioner herein holding that S.Nos.200/16 and 200/18 have been encroached by the petitioner.

4. Thereafter, the petitioner has filed an appeal dated 31.01.2019 before the Revenue Divisional Officer, Erode. Without giving any opportunity, the Revenue Divisional Officer, Erode, dismissed the order of Tahsildar stating that the petitioner is entitled to file an appeal before the District Revenue Officer within a period of 30 days. As against the order of the Revenue Divisional Officer, the petitioner was having 30 days to file an appeal before the District Revenue Officer. Even before the

expiry of 30 days, the construction put up by the petitioner was demolished illegally by the seventh respondent. Hence, the petitioner has come up with the present Writ Petition claiming to pay a compensation of Rs.10,75,000/- to him.

5. The learned counsel appearing for the petitioner submitted that the appeal filed by the petitioner has already been dismissed by the District Revenue Officer on 19.07.2019 and hence, nothing survives for further adjudication in this writ petition. Thus, he sought for dismissal of this writ petition.

6. There are disputed questions of facts involved in this Writ Petition and hence, the petitioner has to work out his remedy by initiating appropriate legal proceedings, in accordance with law. Therefore, he cannot seek any relief in this Writ Petition. Accordingly, the Writ Petition stands dismissed. No costs.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary to Revenue Department,
Government of Tamilnadu,
Fort St.George,
Chennai - 600 009.
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Erode District.

7.The Executive Officer,
Kilambadi Town Panchayat,
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Erode District - 638 154.

+1 CC to Mr.M.Guruprasad, Advocate sr 102422
+1 CC to Mr.S.Senthilnathan, Advocate sr 10201
+1 CC to Govt. Pleader sr 102536.

W.P.No.29657 of 2019

RR(CO)
SP(23/01/2020)