



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI**

Writ Petition (MD).No.1999 of 2019
and
W.M.P. (MD)No.1624 of 2019

Krishnaveni

... Petitioner

Vs.

1.The Chief Secretary to State of Tamil Nadu,
Secretariat, St. George Fort,
Chennai.

2.The District Collector,
Trichy District,
Trichy District.

3.The Commissioner,
Musuri Panchayat Union,
Musuri,
Trichy District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to restore the petitioner's tea shop situated in the third respondent office campus and grant compensation of Rs.10,00,000/- (Rupees Ten Lakhs only) to the petitioner as compensation for illegal demolition of her tea shop by the respondents 2 and 3.

For Petitioner : Mr.K.Mahendran

For Respondents : Mr.A.Muthu Karuppan, AGP



ORDER

(Order of the Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.K.Mahendran, learned counsel appearing for the petitioner and Mr.A.Muthu Karuppan, learned Additional Government Pleader appearing for the respondents.

2.This writ petition has been filed praying for a direction upon the third respondent/Commissioner, Musuri Panchayat Union to restore the petitioner's tea shop which was located inside the office of the third respondent and for grant of compensation for illegal demolision of the tea shop.

3.From the records placed before this Court, we find that there are certain correspondence to show that the third respondent was aware of the tea shop put up by the petitioner. Infact as early as on 1982, the then third respondent recommended people to patronise the petitioner's tea shop as the petitioner was a destitute widow.

4.The learned counsel appearing for the petitioner has drawn the attention of this Court to certain records namely, the professional tax receipt issued in the year 1984, the proceedings of the third respondent dated 03.01.1992, the challan for payment of money to the Panchayat Union dated 24.02.1992, the proceedings of the third respondent dated 09.06.1997, the challan for payment of money to the Panchayat Union dated 10.06.1998, the payment receipt issued by the Electricity Board dated 11.12.2002 and the professional tax receipt dated 27.02.2018. These documents have been referred to by the learned counsel for the petitioner to demonstrate that the petitioner is not an encroacher but was permitted to put up the tea stall and carry on her business.

5.However, the current position is that the tea shop has been removed and the structure has been demolished. In such circumstances, what we have noticed that there is no specific licence granted to the petitioner for establishing the remaining tea shop. However, there is a resolution of the Panchayat Union in Resolution No.135 dated 29.05.1997. Now that the shop has already been demolished and the office of the third respondent is a public building, it will not conduce for the third parties to put up any establishments inside the Government complex.

6.Therefore, we cannot issue such a positive direction. However, considering the peculiar facts and circumstances of the case, the third respondents is directed to consider as to whether the petitioner can be allotted an alternate place in other unobjectionable site which is not hindrance to traffic, etc., and permit the petitioner to establish her tea shop in the said location. This observation is directed to be taken note of by the



third respondent and appropriate order shall be passed on merits and in accordance with law within a period of two weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AD-I)

/TRUE COPY/

Sub Assistant Registrar

mrn/sji

To

1. The Chief Secretary to State of Tamil Nadu,
Secretariat, St. George Fort,
Chennai.

2. The District Collector,
Trichy District,
Trichy District.

3. The Commissioner,
Musuri Panchayat Union,
Musuri,
Trichy District.

+1 CC to M/s.SPL GP (SR-87989[F] dated 19/09/2019)

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-88218[F] dated 20/09/2019)

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JM/10.10.2019/3P/6C