



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2019

CORAM:

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A(MD)No.1650 of 2018

and

C.M.P. (MD)No.12130 of 2018

Against WP(MD)No.14021 of 2017

S.Panchavarnam

:Appellant/Petitioner

.vs.

- 1.The District Collector,
Collectorate Office,
Dindigul District.
- 2.The Commissioner,
Dindigul Municipal Corporation,
Dindigul City, Dindigul.
- 3.The Kongunadu Infrastructure LLP,
Represented by its Director,
9/119A, Koli Hills Main Road,
Vazhaithottam, Sendhamangalam,
Kalappanaickenpatti,
Namakkal - 637 404.

4.R.Prabakaran

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.14021 of 2018, dated 26.09.2018.

Prayer in WP(MD). 14021/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st and 2nd respondent to pay compensation with interest for Rs.1,31,00,000/- (Rupees One Crore and Thirty One Lakhs Only) (being the present guideline value) for illegally converting the petitioner's absolute vacant property measuring 19,600 Sq.ft.(140 Sq.ft x 140 Sq.ft) in Old T.S.No.1954 / 1 in New Sub-Division T.S.No.56 / 1A1, Anna Nagar West, Block .No.47,



Dindigul Town, 6thward, Dindigul within the Joint-1 Sub Registrar office, Dindigul District into Municipal Park.

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For Appellant : Mr.M.S.Sureshkumar
For R-1 : Mr.V.R.Shanmuganathan
Special Government Pleader
For R-2 : Mr.J.Lawrance
For R-4 : Mr.V.Karthikeyan
for
Mr.V.Perumal

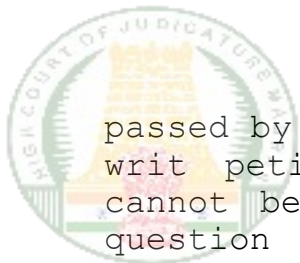
JUDGMENT

[Judgment of the Court was delivered by **K.RAVICHANDRABAABU, J.**]

This writ appeal is filed challenging the order passed by the writ Court in W.P.(MD)No.14021 of 2018 dated 26.09.2018. The appellant is the writ petitioner. He sought for issuing a writ of Mandamus directing the respondents 1 and 2 to pay compensation with interest of a sum of Rs.1,31,00,000/- for illegally converting the petitioner's absolute vacant property measuring 19,600 sq.ft. in Old T.S.No.1954/1 in New Sub Division T.S.No.56/1A1, Anna Nagar West Block No.47, Dindigul Town, 6th ward, Dindigul, within the Joint-1 Sub Registrar Office, Dindigul District, into Municipal Park.

2.The Writ Court, after hearing both sides, dismissed the writ petition by imposing a cost of Rs.5,000/- on the petitioner. The claim of the writ petitioner is that the respondent Corporation has put up a shed in the subject matter property without having any right, especially when the petitioner is owning the said property. The writ Court, going by the counter affidavit filed by the Deputy Registrar, Dindigul, in an earlier writ petition filed by the writ petitioner in W.P.(MD)No.10346 of 2016, indicating that one Rengasamy Reddiar has gifted the property in favour of the Commissioner, Dindigul Municipality, which was registered as document No.1586 of 1992 and that the writ petitioner is seeking the civil remedy by way of filing the above writ petition challenging the said gift deed, found that the writ petitioner is approaching this Court again and again with vexatious claim in order to achieve collateral purpose with oblique motive.

3.Now, the present appeal is filed before us by contending that the petitioner is having material documents in support of his claim. After hearing the matter for a while and going by the order



passed by the Writ Court, it is apparent that the claim made by the writ petitioner in the writ petition seeking for compensation cannot be decided by the Writ Court, since there is a disputed question of facts with regard to the title claim made by the petitioner. Therefore, it is for the petitioner to work out his remedy before the competent Civil Court if at all if he has any legally sustainable claim. Without resorting to such remedy, the petitioner has filed the above writ petition, which was rightly dismissed by the Writ Court. However, as we find that the petitioner has to work out his remedy before the competent Civil Court by filing appropriate Civil Suit, as stated supra, we are of the view that the portion of the order, passed by the Writ Court insofar as imposing cost of Rs.5,000/- on the petitioner, can be deleted.

4. Accordingly, this writ appeal is disposed of only by deleting the cost portion imposed by the Writ Court, however, by granting liberty to the writ petitioner to agitate the matter before the competent Civil Court by filing appropriate Civil Suit. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

rj2
TO

1.The District Collector,
Collectorate Office,
Dindigul District.

+1CC TO MR.V.KARTHIKEYAN, Advocate Sr. No.79127
+1CC TO MR.J.LAWRANCE, Advocate Sr. No.79380
+1CC TO MR.M.S.SURESH KUMAR, Advocate Sr. No.79378
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 79448