



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

CORAM

WEB COPY

THE HONOURABLE **MR. JUSTICE S. S. SUNDAR**W.P. (MD) No.15073 of 2015
and M.P. (MD) No.1 of 2015

Sasikumar, S/o.Rengasamy

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Thanjavur District.2.The Panchayat President,
Kannukudi (East) Panchayat,
Orathanadu Taluk,
Thanjavur District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to forbear the respondents from demolishing the petitioner's dwelling house situating in Door No.3/676-2, Paravathu Village, Paravathur West, Orathanadu Taluk, Thanjavur District without following due process of law.

For Petitioner	: Mr.R.Alagumani
For Respondents	: Mr.A.Thiyagarajan, Government Advocate.

ORDER

This writ petition has been filed to forbear the respondents from demolishing the petitioner's dwelling house situating in Door No.3/676-2, Paravathu Village, Paravathur West, Orathanadu Taluk, Thanjavur District without following due process of law.

2.Though the petitioner argued that he is the owner of the property bearing Door No.3/676-2, Paravathu Village, Paravathur West, Orathanadu Taluk, Thanjavur District, no document is produced by the petitioner to establish his title to the property, in which he built a house. Except stating that the land was purchased from one Vishvanathan on 13.03.2014 and 01.10.2012, the petitioner has not produced any document to establish his title or right over the property.

3.However, the petitioner has come forward with a limited prayer that the respondents shall not remove the construction without following the due process of law. Having regard to the limited scope of prayer sought for by the petitioner, without expressing any opinion on the petitioner's representation this Court



is inclined to issue the following direction:

The petitioner's grievance in the representation, dated 10.08.2015 is that he was not given a show cause notice before initiating action to demolish the building or to vacate the building. In such circumstances, this writ petition is dismissed with a direction to the respondents to initiate action to evict the petitioner, after following the process known to law, in case the building was constructed illegally by encroaching into the property of Government or local body. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The District Collector,
Office of the District Collector,
Thanjavur District.

2.The Panchayat President,
Kannukudi (East) Panchayat,
Orathanadu Taluk,
Thanjavur District.

+1 CC to M/s.SPL.GP (SR-2337[F] dated 22/01/2020)

W.P. (MD) No.15073 of 2015
21.01.2020

SMA/07/02/2020/2P/4C