

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SESHASAYEE

W.P.No.3998 of 2021

and

W.M.P.No.4562 of 2021

K.Kandhasamy

... Petitioner

Vs.

1.The District Collector,
Namakkal District,
Namakkal.

2.The Tahsildar,
Senthamangalam Taluk,
Namakkal District.

3.The Assistant Divisional Engineer,
State Highways (S.H.95),
Government of Tamil Nadu,
Construction & Maintenance Department,
Senthamangalam and Taluk,
Namakkal District.

4.The Assistant Engineer,
State Highways (S.H.95),
Government of Tamil Nadu,
Construction & Maintenance Department,
Senthamangalam and Taluk,
Namakkal District.

... Respondents

Writ petition filed under Section 226 of the Constitution of India to issue a writ of mandamus directing the respondents, particularly the respondents 3 and 4 to forbearing from demolition activities over my house and shop properties, situated at No.1/147 and 1/147B, Main Road, Muthukkapatti Village & Post, Senthamangalam Taluk, Namakkal District, Grama Natham, comprised in S.No.421/5 and 421/6 (Old S.No.242/32 Part), to an extent of 1106 sq.ft. and 1225 sq.ft. respectively by considering the petitioner's representation dated 21.01.2021.

For Petitioner

: Mr.R.Thanjan

For RR 1 and 2

: Mr.M.Manigopi

Government Advocate

For RR 3 and 4

: Mr.M.Loganathan

Additional Government Pleader

O R D E R

This petition is filed for a direction to forbear the third and fourth respondents from demolishing the petitioner's buildings situated at No.1/147 and 1/147B, Main Road, Muthukkapatti Village & Post, Senthamangalam Taluk, Namakkal District, Grama Natham, comprised in S.No.421/5 and 421/6 (Old S.No.242/32 Part), to an extent of 1106 sq.ft. and 1225 sq.ft. respectively, by considering the petitioner's representation dated 21.01.2021.

2. Heard Mr.R.Thanjan, learned counsel for the petitioner, Mr.Mani Gopi, learned Government Advocate appearing for first and second respondents and Mr.M.Loganathan, learned Additional Government Pleader appearing for the third and fourth respondents.

3. This Court was informed that the buildings have already been demolished by the third and fourth respondents. It was further informed that the site, on which, the petitioner's buildings stood is a High Way Porambock and that the petitioners are merely encroachers.

4. At this point, the learned counsel for the petitioner would make a statement that the site actually belonged to the petitioner.

5. Inasmuch as the buildings have already been demolished, the prayer sought for in this case has become infructuous. If the petitioner considers that he has any right still left, he may pursue such remedies, which are available to him in law.

In fine, this writ petition is dismissed as having become infructuous. No costs. Connected W.M.P. is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

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Sub Assistant Registrar

nsd

To

1.The District Collector,
Namakkal District,
Namakkal.

2.The Tahsildar,
Senthamangalam Taluk,
Namakkal District.

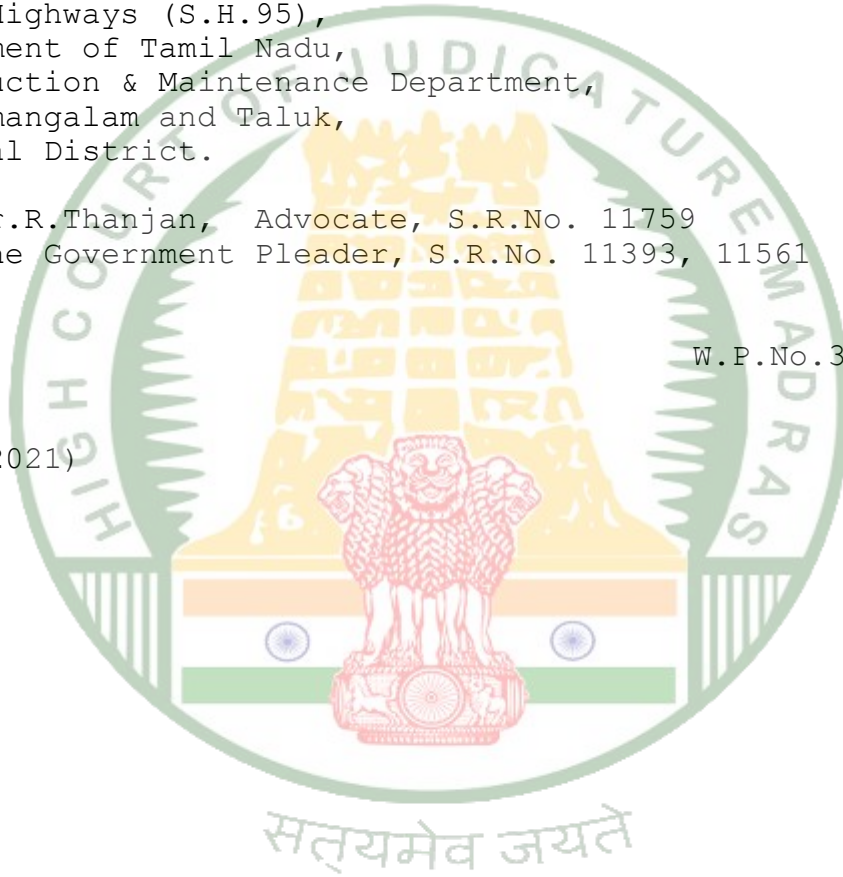
3.The Assistant Divisional Engineer,
State Highways (S.H.95),
Government of Tamil Nadu,
Construction & Maintenance Department,
Senthamangalam and Taluk,
Namakkal District.

4.The Assistant Engineer,
State Highways (S.H.95),
Government of Tamil Nadu,
Construction & Maintenance Department,
Senthamangalam and Taluk,
Namakkal District.

+1cc to Mr.R.Thanjan, Advocate, S.R.No. 11759
+1cc to the Government Pleader, S.R.No. 11393, 11561

W.P.No.3998 of 2021

PMK (CO)
GN (24/03/2021)



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