

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.04.2021
CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.10991 of 2018
and W.M.P.No. 12895 of 2018

Mrs.C.Padma Jothi

... Petitioner

-Vs-

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
Solinganallur Taluk,
Kancheepuram District.
3. The Executive Engineer,
State Highways Department,
No. 485, MTB Building,
Anna Salai, Nandanam,
Chennai - 600 035.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to restore possession of the petitioner property in an extent of 4680 sq.ft comprised in Grama Natham Survey No.253/5 of Pallikaranai Village, Sholinganallur Taluk, Kancheepuram District and further direct the third respondent to pay compensation for a sum of Rs.7,00,000/- for illegal demolition of the building in an extent of 4200 sq.ft.

For Petitioner : Mr.V.Chandrakanthan
For Respondents : Mr.N. Inbanathan,
Additional Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus to direct the respondents to restore possession of the petitioner property in an extent of 4680 sq.ft comprised in Grama Natham Survey No.253/5 of Pallikaranai Village, Sholinganallur Taluk, Kancheepuram District and further direct the third respondent to pay compensation for a sum of Rs.7,00,000/- for illegal demolition of the building in an extent of 4200 sq.ft.

2. The case of the petitioner is that, the land in question is claimed to have been purchased by the petitioner, where he has constructed a building in an extent of 4200 sq.ft and patta was also issued by the Revenue Department in favour of the petitioner, where he was running a business. While that being so, the Revenue Department, along with the respondent Highways Department, on 16.09.2017, has claimed to have demolished the entire building and dispossessed the petitioner. With regard to the said action, according to the petitioner, which is high-handed one without any land acquisition proceedings, the petitioner has given a representation dated 18.09.2017 to the first respondent District Collector to enquire into the matter and restore the possession to the petitioner in the patta land and also pay compensation to the building said to have been demolished. However, the said representation since has not been considered, the petitioner has approached this Court with the aforesaid prayer.

3. Heard Mr.V.Chandrakanthan, learned counsel appearing for the petitioner who has reiterated the aforesaid facts and seeks the indulgence of this Court to direct the respondents to restore the possession of the petitioner's property.

4. Heard Mr.N.Inbanathan, learned Additional Government Pleader appearing on behalf of the respondents, who would submit that, it has to be verified whether the land in question belongs to the petitioner or to the Highways Department or it is a Government Poramboke land and only then it can be decided whether the demolition is lawful or not and after ascertaining all these facts, needful would be done, of course after giving opportunity to the petitioner. Therefore, within a time frame, needful as stated above may be undertaken by the first respondent / District Collector.

5. I have heard the submissions made by the learned counsel appearing for both sides and have perused the materials placed on record.

6. In view of the innocuous nature of the prayer, this Court is inclined to dispose of this writ petition with the following order.

7. That the respondents especially the first respondent / District Collector is hereby directed to consider the representation of the petitioner dated 18.09.2017 and after verification of the claim made by the petitioner by giving an opportunity of being heard to the petitioner, take a final decision on the aforesaid representation and dispose of the same with appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

8. With these directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KST

To

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. The Tahsildar,
Solinganallur Taluk,
Kancheepuram District.
3. The Executive Engineer,
State Highways Department,
No. 485, MTB Building,
Anna Salai, Nandanam,
Chennai - 600 035.

+1cc to Mr.V.Chandrakantha , Advocate SR.No. 23213

+1 cc to Government Pleader Sr.No. 23109

W.P.No.10991 of 2018

A.SK(19.05.2021)

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