



2.The appellant filed the Writ Petition to issue a Writ of Mandamus, directing the respondents to compensate him for having illegally demolished the walls of her building bearing Door No. 22/5, 22/5-1 to 22/5-25, Post Office Road, Kodaikanal, Dindigul District.

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3.It is the case of the appellant that the compound wall was demolished by the officials of the first respondent on 05.04.2013, illegally. Hence, she is entitled to claim damages.

4.The learned Single Judge, taking into consideration the case of both the parties, disposed of the Writ Petition, finding that the relief sought for in the Writ Petition claiming damages can only be sought before a competent Civil Court and not under Article 226 of the Constitution of India. Since, the prayer relating to the payment of compensation is a matter for evidence, such issue cannot be decided in a Writ Petition under Article 226 of the Constitution of India.

5.Such being the case, we do not find any error in the order passed by the learned Single Judge. The Writ Appeal is devoid of merits and the same stands dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn/lr

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To
The Commissioner,
Kodaikanal Municipality,
Kodaikanal.

+1 CC to M/s.V.M.BALAMOHAN THAMBI, Advocate (SR-29978[F] dated 22/09/2021)

W.A. (MD) No.1810 of 2021

21.09.2021