

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.1139 OF 2011

M.P.NO.1 OF 2011

A.Sivagangai

... Petitioner

Vs.

1. C.Amaithi
2. The District Collector,
Villupuram, Villupuram District.
3. The Revenue Divisional Officer,
Villupuram, Villupuram - District.
4. The Tahsildar,
Villupuram Taluk, Villupuram District.
5. The Block Development Officer,
(Village Panchayat),
Kanai Panchayat Union Office,
Villupuram - District

... Respondents

Prayer :- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay damage as a compensation, to the petitioner herein for illegally demolishing the buildings in 'Paatai Poramboke' in survey number 35/1.

For Petitioner : Mr.M.Arumugam

For Respondents : Mr.M.S.Premkumar for R1

: Mr.T.K.Saravanan
Government Advocate for
R2 to R4

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to pay damages for the demolition of the buildings put up by the petitioner in a Paatai Poramboke.

2. The case of the petitioner is that his father was in possession and enjoyment of a property which was categorized as a Paatai Poramboke in the revenue records. He had also put up a superstructure and was paying the tax to the village panchayat. The 1st respondent had raised a dispute as if the property in which the building has been put up is not a Paatai Poramboke and it is infact a burial ground and that the village people require that land for the purpose of cremating dead bodies.

3. The grievance of the petitioner is that the respondents illegally demolished the superstructure and hence, the petitioner has approached this Court seeking for compensation.

4. Heard Mr.M.Arumugam, learned counsel for the petitioner and Mr.M.S.Premkumar, learned counsel for 1st respondent and Mr.T.K.Saravanan, learned Government Advocate for respondents 2 to 4.

5. A careful reading of the affidavit filed in support of the writ petition shows that the property in question infact has been notified as burial ground in the revenue records. According to the petitioner, the revenue documents were falsified by the 1st respondent and only to evict the petitioner, the revenue records were corrected.

6. Whatever is the nature of the land, it is an admitted case that it is a poramboke land and the superstructure has been put up in the said land. Therefore, there was no vested right for the petitioner or his father to put up a superstructure in a land that belongs to the Government. On identifying that the superstructure has been put up over a land which has been classified as a burial ground, the encroachment was removed. This Court does not find any illegality in the action taken by the respondents. Consequently, there is no question of payment of compensation to the petitioner as sought for by the petitioner.

7. This Court does not find any merits in the writ petition and accordingly, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Villupuram, Villupuram District.
2. The Revenue Divisional Officer,
Villupuram, Villupuram - District.
3. The Tahsildar,
Villupuram Taluk, Villupuram District.
4. The Block Development Officer,
(Village Panchayat),
Kanai Panchayat Union Office,
Villupuram - District

+1cc to the Government Pleader, S.R.No.40770

W.P.No.1139 of 2011

GPL(CO)
RLP(11/07/2022)