



WEB COPY



W.P. No. 25837 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 25837 of 2022

G.K.Halen

... Petitioner

-VS-

1. The Secretary
Municipal Administration
Secretariat, Chennai – 600009.
2. The Director
Municipal Administration Department
MRC Nagar
Raja Annamalaipuram
Chennai – 600 028.
3. The District Collector
Nilgiris District.
4. The Assistant Director
Municipal Administration
Ooty, Nilgiris District.
5. The Executive Officer
Kotagiri Municipality
Kotagiri.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to pay compensation of Rs.10,00,000/- in respect of unlawful encroachment of my agricultural land comprised in Old Survey NO. 190/1C, New Survey No. 1311/3 and 15, Ward No. 17, Kathukuli Village, Kotagiri Municipality



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consequently direct the Respondents to pay a sum of Rs. 13,00,000/- towards loss and damages towards above said encroachment.

For Petitioner : Mr. B.Manimaran

For Respondent : Mr. M.Shahjahan,
Special Government Pleader
(for R1 to R4)

Mr. T.Sampath Kumar,
Government Advocate (for R5)

ORDER

Heard Mr. B.Manimaran, Learned Counsel for the Petitioner, Mr. M.Shahjahan, Learned Special Government Pleader appearing for the First to Fourth Respondents and Mr. T.Sampath Kumar, Learned Government Advocate appearing for the Fifth Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. It is the case of the Petitioner that an extent of 5 cents of land comprised in Old Survey No. 190/1C, New Survey Nos. 1311/3 and 1311/15, Ward No. 17, Kathukuli Village, Kotagiri Municipality has been used without any proceedings for acquisition for which he has sought compensation in this Writ Petition.



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3. In response to the said claim, it is brought to notice by Learned Counsel for the Fifth Respondent that by proceedings in Na. Ka. No. 498/2017 dated 25.11.2022 the sum of Rs. 36,333/- has been paid to the Petitioner by cheque no. 315688 dated 25.11.2022 towards his share of the compensation and Learned Counsel for the Petitioner acknowledges its receipt.

4. In such circumstances, nothing remains for further consideration in the Writ Petition, but it would not preclude the Petitioner, if he has any further grievance, from working out his remedies before the proper forum in the manner recognized by law.

5. In fine, the Writ Petition is disposed with the aforesaid observations. No costs.

28.11.2022

Maya

Index: Yes/No

Note: Issue order copy by 04.01.2023.



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P.D. AUDIKESAVALU, J.

Maya

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