



W.P. No.33296 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No.33296 of 2022

S.Settu

... Petitioner

Vs

- 1.The District Collector
Master Plan Complex, Collectorate Office
Villupuram-605 602.
- 2.The Block Development Officer
Melmalaiyanur Panchayat Union
Villupuram District-604 204.
- 3.The Tahsildar
Melmalaiyanur Taluk
Villupuram District-604 204.
- 4.The Assistant Engineer
T.N.Generation and Distribution Corporation Limited
Sathiyamangalam Post
Santhiyamangalam Village,
Gingee Taluk
Villupuram District-604 15
- 5.M.Dhanalakshmi
- 6.Silambuselvan



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7.Alexander

... Respondents

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Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to restore the petitioners house bearing Door No.69 Pillaiyar Kovil Street, Kalathampattu Village, Villupuram-604 153 constructed in the land comprised in S.No.175/11 and 175/12 which was demolished illegally on 17-11-2022 by respondents 2 and 4 to its original position together with the damages and direct the 1st respondent to initiate proceedings for the illegal act committed by respondents 5 to 7 considering the representation of the petitioner dated 17-11-2022 and a direction to the 4th respondent to restore the Electricity Service connection to the petitioners house in the above said address in Service Connection No.02-1492-044-84 in considering the representation of the petitioner dated 21.11.2022 and pass orders.

For Petitioner : Ms.Karthikaa Ashok

**For Respondents : Mr.P.Muthukumar,
State Government Pleader,
for second respondent**

**Mr.A.Selvendran,
Special Government Pleader
for respondent Nos.1 and 2**

**Mr.Venkataseshaiya,
for fourth respondent**

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed after the demolition of the encroachment has been carried out, with a prayer to restore the house as it was, and in the same place before the demolition took



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place.

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2. Ms.Karthikaa Ashok, learned counsel for the petitioner, submitted that the petitioner is pattadar of the land covered in S.No.175/11 situated at Kalathampattu Village, Melmalaiyanur Taluk, Villupuram District. Demolition drive was undertaken in S.No.175/9 and the respondent authorities, while removing encroachments, have demolished the compound wall and the house.

3. Admittedly, the petitioner is pattadar of the land in S.No.175/11 but an encroacher in S.No.175/9. Encroachment was removed in S.No.175/9. Therefore, the petitioner has no justification to approach this Court for restoration of the demolished property. If at all the petitioner has got any grievance, it is for the petitioner to workout his remedy in the manner known to law before the competent civil court, by establishing his right over the property. This court, under Article 226 of the Constitution of India, will not be in a position to arrive at a finding as to factual dispute of title and the determination of compensation, if the demolition is erroneous, which require examination of evidence: both oral and documentary, and that has to be done only by the competent Civil Court.



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4. The learned counsel prayed before this Court that electricity connection may be restored. We are unable to appreciate the said request also because the petitioner has not produced any document showing his legal right to be in possession of the property. If the connection is for the rest of the property in the patta land, the authorities themselves will fix the meter at the appropriate place and it cannot be restored in the encroached place.

5. Therefore, for the aforementioned reasons, the writ petition fails and the same is dismissed. No costs. Consequently, WMP No.32738 of 2022 is closed.

(T.R., ACJ.) (D.B.C., J.)
09.12.2022

Index: Yes/No
tar



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.
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