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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12124 of 2022
and
W.M.P.(MD)No.8621 of 2022

V.Rajendrasigh,
Rep. by his Power Agent,
A.Manoharan ... Petitioner

Vs.

1.The Commissioner,
Kulithalai Municipality,
Kulithalai,
Karur District.

2.The Tahsildar (Land Survey),
Taluk Office,
Kulithalai,
Karur District.

3.The Town Surveyor,
Kulithalai Municipal Office,
Kulithalai,
Karur District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents from interfering with petitioner's peaceful possession and enjoyment of his

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property measuring an extent of Hec.0.20.5 ares (Ac.0.51 cents) situated in Town Survey No.2/3 (Corresponding old Survey No.6/3B), in new Ward No.D new Block No.3 within Kulithalai Municipal Limits, Kulithalai Taluk, Karur District and consequently direct the respondents to compensate the petitioner for the damages caused to him due to the unlawful demolition of the petitioner's property in said survey number to a sum, a this Court deems fit within the time frame to be fixed by this Court.

For Petitioner : Mr.K.S.Kathiravan

For Respondents : Mr.A.N.Ramanthan for R1 & R3
Mr.M.Sarangan,
Addl. Government Pleader for R2.

ORDER

Heard the learned counsel on either side.

2.There is no dispute that the property comprised in T.S.No.2/3 in Kulithalai very much belongs to the writ petitioner. The respondents cannot interfere with the petitioner's possession and enjoyment of the same. To that extent, Writ of Mandamus is issued. However, claim regarding payment of compensation for the damage caused to the petitioner will have to be worked out elsewhere. The petitioner firmly states that the compound wall put up in

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T.S.No.2/3 was demolished in the guise of removing encroachment. The learned standing counsel for Kulithalai Municipality on the other hand would claim that the petitioner had committed encroachment and only the encroachments were removed. These are disputed questions of fact. The petitioner's claim for compensation is left open. The petitioner can very well move the jurisdictional civil Court.

3.The writ petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

29.06.2022

Index : Yes / No
Internet : Yes/ No
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To:

The Tahsildar (Land Survey),
Taluk Office,
Kulithalai,
Karur District.

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G.R.SWAMINATHAN, J.

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