



W.P(MD)No.13955 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.12.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.13955 of 2014

T.Kannan

... Petitioner

Vs.

- 1.The District Collector,
Office of District Collector,
Dindigul District.
- 2.The Block Development Officer,
Nilakkottai Taluk,
Dindigul District.
- 3.The President,
Patchmalaiyan Kottai Panchayat,
Nilakkottai Taluk,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent No.1 to 3 to pay the compensation to the petitioner for the illegal demolition of the petitioner's shop in Shop No.13 at Sempatti Bus stand, Sempatti, Nilakottai (Taluk) Dindigul District within the time period stipulated by this Court.



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For Petitioner : Mr.T.Lajapathi Roy
For R1 : Mr.A.Baskaran
Additional Government Pleader
For R2 : No Appearance
For R3 : Mr.R.R.Kannan

ORDER

The present writ petition has been filed seeking a writ of Mandamus, directing the respondents to pay compensation to the petitioner for the illegal demolition of the petitioner shop in Sempatti Bus stand, Nilakottai (Taluk) Dindigul District

2. According to the petitioner, he was allotted a shop on 01.06.2008 for a period of 3 years. Thereafter, it was extended up to 31.03.2014. The respondent Municipality had refused to entertain the request of the petitioner for extension of lease for a further period of 3 years. Thereafter, they have demolished the shop on 03.06.2014. The present writ petition has been filed on 22.08.2014.



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3. A perusal of the records indicate that the petitioner has taken the site on lease from the 3rd respondent Municipality. He has put up some tin shed and he was running a shop there. Admittedly, the period of license has expired and only 3 months thereafter, the respondents have removed the shop.

4. According to the learned counsel for the 3rd respondent, the petitioner had put up only a temporary shop using tin. However, the learned counsel for the petitioner submits that the petitioner has put up a pucca building even beyond the site, which was allotted to him.

5. The buildings have been removed by the 3rd respondent Municipality only after the expiry of the license period. That apart, there is a dispute between the petitioner and the 3rd respondent Municipality with regard to the nature of construction that was put up by the writ petitioner herein.



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6. In view of the said dispute, this writ petition is closed with liberty to the petitioner to approach the competent Civil Court for compensation, if he is so advised. No costs.

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Index : Yes / No
Internet : Yes / No

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To

The District Collector,
Office of District Collector,
Dindigul District.



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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.13955 of 2014

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