



WEB COPY

W.P.No.41543 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.41543 of 2005

A.Rajamanickam

... Petitioner

Vs.

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.Special Tahsildar (L.A)
National Highways (N.H.5),
No.6/25, Lalbahadur Sasthri Street,
Periakuppam, Thiruvallur.

3.District Revenue Officer,
Thiruvallur District.

4.The Manager (Technical)
National Highways Authority of India,
Karanodai, Chennai – 67.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to enquire and determine and to pay the compensation of Rs.10 Lakhs for illegal demolition of building and without Acquisition proceedings on 16.12.2001 in respect of



the petitioner's interested land bearing in Survey No.158/30, Padianallur Village, Ponneri Taluk, Thiruvallur District, to an extend of 1365 Sq.ft.

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For Petitioner	: Mr.N.Selvaraju
For R1 to R3	: Mr.T.Venkatesh Kumar Special Government Pleader
For R4	: Mr.S.R.Sumathy

ORDER

The relief sought for in the present writ petition is to direct respondents to enquire and determine and to pay the compensation of Rs.10 Lakhs for illegal demolition of building and without Acquisition proceedings on 16.12.2001 in respect of the petitioner's interested land bearing in Survey No.158/30, Padianallur Village, Ponneri Taluk, Thiruvallur District, to an extent of 1365 Sq.ft.

2. Writ Court cannot issue direction to pay compensation, since the compensation is to be paid by following the procedures as contemplated under the Land Acquisition Act or under the relevant Statutes in force.



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3. The learned counsel for the petitioner states that the portion of the building, which belonged to the petitioner was demolished by the 4th respondent in an illegal manner and without acquiring the land under the provisions of the Land Acquisition Act.

4. The learned counsel for the 4th respondent objected the said contention by stating that the National Highway Authority of India is the requisition body and the acquisition is to be made by the State Authority. More so, during inspection, the authorities found that there is no sign of any such demolition by them and therefore, the claim of the petitioner cannot be accepted.

5. High Court cannot conduct a roving enquiry in respect of such disputed issues between the parties. Whether the building was in existences or not, is to be established by the petitioner and if at all such building was demolished, the said demolition is also to be proved beyond any pale of doubt. It requires adducing of evidence and verification of documents. Thus, the petitioner is at liberty to approach the Competent Civil Court of Law for the purpose of establishing his case to seek compensation in the manner



known to law.

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6. The learned Special Government Pleader appearing on behalf of the State made a submission that the petitioner is not the owner of the property and even in the writ affidavit, the petitioner has stated that he is a lessee under the original owner. That being the factum, the petitioner may not be eligible to seek compensation.

7. With these observations, this Writ Petition stands dismissed. No costs.

11.09.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

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S.M.SUBRAMANIAM, J.

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