



W.P.No.31392 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.31392 of 2015

and

M.P.Nos.1 & 2 of 2015

E.Rangasamy

... Petitioner

Vs.

- 1.The Director of Panchayat,
3rd Floor, Ezhilagam,
Chepauk, Chennai – 5.
- 2.The District Collector,
Salem District,
Salem.
- 3.The District Revenue Officer,
Salem District, Salem.
- 4.The Revenue Divisional Officer,
Attur, Salem.
- 5.The Tashildar,
Attur Taluk,
Salem District.
- 6.The Block Development Officer,
Panchayat Union Office,
Thalaivasal, Salem District.
- 7.Tamilselvi Velmurugan,
The Village President,



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Sathasivapuram Panchayat & Post,
Attur Taluk, Salem.

8.Velmurugan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the sixth and seventh respondents from laying the drainage in the petitioner house property comprising in S.No.253/19 vide patta No.267 situated at 4/45 D.Ambedkar Nagar, Sadasivapuram Village & Post, Attur Taluk, Salem District and consequently, direct the respondent not to proceed further demolition and to give compensation to the petitioner for the demolished premises based on the petitioner's representation dated 28.09.2015.

For Petitioner : Mr.J.Hemakumar
for M/S.M.Rajendiran

For Respondents : Mr.N.Naveen Kumar, for RR1 to 5
Government Advocate
No Appearance for RR6 to 8

ORDER

The writ petition has been filed for the issue of writ of mandamus restraining the sixth and seventh respondents from laying the drainage in the petitioner's house property comprised in S.No.253/19 vide patta No.267 situated at 4/45 D.Ambedkar Nagar, Sadasivapuram Village & Post, Attur Taluk, Salem District and consequently, direct the respondents not to proceed further with demolition and to give compensation to the petitioner for the demolished premises based on the petitioner's representation dated 28.09.2015.



2. The case of the petitioner is that he is enjoying the property by constructing a house. The sixth respondent is the President of village panchayat. The eight respondent is the husband of the seventh respondent. Due to previous enmity, the eight respondent along with his men demolished a portion of the house of the petitioner. According to the petitioner, he has constructed his house in the patta land. While so, the respondents have no manner of right to demolish a building without issuing any notice.

3. Learned counsel appearing for the petitioner would submit that the petitioner is the owner of the land. A part of his property has been demolished. To substantiate the same, the photographs also filed.

4. Learned counsel appearing for the respondents 1 to 5 submits that the property belongs to the petitioner and it is his patta land and not a Government land.

5. There is no representation for the respondent 6 and 8. No counter has been filed.



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6. As the Government itself admit that it is a patta land, the respondents 6 to 8 have no right whatsoever to interfere with the possession of the petitioner to lay the drainage or to demolish the building constructed by the petitioner.

7. In such view of the matter, the Writ Petition is allowed. The respondents 6 to 8 are restrained from interfering into the petitioner's property. Consequently, connected miscellaneous petitions are closed. No costs.

31.01.2023

Index :Yes/No
Speaking Order / Non-Speaking Order

AT



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To

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Chepauk, Chennai – 5.

2.The District Collector,
Salem District,
Salem.

3.The District Revenue Officer,
Salem District, Salem.

4.The Revenue Divisional Officer,
Attur, Salem.

5.The Tashildar,
Attur Taluk,
Salem District.



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N.SATHISH KUMAR, J.

AT

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