



WEB COPY



W.P.No.18245 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18245 of 2019

And

W.M.P.Nos.17601 and 17603 of 2019

1.V.Thangaraj

2.T.Dhanalakshmi

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Revenue and Disaster Management,
St.George Fort, Chennai.

2.The District Collector,
Tiruvallur,
Tiruvallur District.

3.The Tahsildhar,
Gummidipoondi Taluk,
Tiruvallur District.

4.Sharma

5.Kandhasamy

6.Gopi

7.Aasai

8.Gopal

9.The Chief Post Master General,
Tamil Nadu Circle Office,
Chennai – 600 002.

(R9 – impleaded as per Court order
dated 07.08.2019 in WMP.22165 of 2019
in WP.18245 of 2019 by PDAJ)

... Respondents



W.P.No.18245 of 2019

Prayer:

WEB COPY

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 3 to 8 from interfering with the petitioners' enjoyment of their property in New Survey Nos.574/3A1A2A, 574/3A1A2B, 574/3A1A3A and 547/3A1A3B, (Old Survey Nos.574/ 3A1A, 574/3A1A2 and 574/3A1A3) measuring an extent of 17 cents situated in GNT Salai, Old Gummidipoondi Village, Gummidipoondi Taluk, Tiruvallur District, including the compound wall and shed built therein and consequently direct the respondents to pay a sum of Rs. 5,00,000/- as damages to the petitioners towards the loss caused to the petitioners on account of the said demolition of a portion of the compound wall constructed in the property.

For Petitioners : Mr.Ravikumar Paul
Senior Counsel
for M/s.Paul and Paul

For Respondents : Mr.M.Alagu Goutham for R1 to R3
Government Advocate
R4 to R7 – No Appearance

O R D E R

W.M.P.Nos.17601 of 2019 filed to permit the petitioners to file the writ petition jointly is allowed, subject to payment of separate sets



W.P.No.18245 of 2019

WEB COPY

of court-fee by the petitioners within two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

2.The petitioners have filed this writ petition seeking issuance of Writ of Mandamus forbearing the respondents 3 to 8 from interfering with the petitioners' enjoyment of their property in New Survey Nos.574/3A1A2A, 574/3A1A2B, 574/3A1A3A and 547/3A1A3B, (Old Survey Nos.574/ 3A1A, 574/3A1A2 and 574/3A1A3) measuring an extent of 17 cents situated in GNT Salai, Old Gummidipoondi Village, Gummidipoondi Taluk, Tiruvallur District, including the compound wall and shed built therein and consequently direct the respondents to pay a sum of Rs. 5,00,000/- as damages to the petitioners towards the loss caused to the petitioners on account of the said demolition of a portion of the compound wall constructed in the property.

3.The case of the petitioners is that the petitioners are the owners of the subject property and without issuing any notice and without following due process of law, the respondents entered the



W.P.No.18245 of 2019

petitioners' property and demolished a portion of the compound wall.

Hence this writ petition.

4.The learned Senior Counsel appearing for the petitioners submitted that though the official respondents have the power to evict the encroachers, it can be done only by following due process of law and only in the Government property. However, in the present case, the petitioners are the owners of the property and without ascertaining the classification of the property, the official respondents entered the property and demolished the portion of the compound wall which is not sustainable one. Hence, this Court may restrain the official respondents from entering into the property and also grant liberty to approach the competent civil Court for claiming compensation for the damages caused by the official respondents.

5.Per contra, the learned Government Advocate appearing for the official respondents submitted that though the petitioners are the owners of the subject property, they have also encroached the Postal and Telegraph Poramboke land in S.No.574/3A1B by constructing compound wall thereon too. Thereby that encroachment was removed, however, the petitioners possession will not be interfered



W.P.No.18245 of 2019

with without following due process of law.

WEB COPY

6.The petitioners claim that they are the owners of the subject property and the respondents claim that they have also encroached the Postal and Telegraph Poramboke land in S.No.574/3A1B and thereby that encroachment was removed. However, no record was produced before this Court to substantiate that notice was issued to the petitioners before demolishing the portion of the compound wall.

7.In view of the above, this Court directs the respondents not to enter the petitioners property without following due process of law. Liberty is granted to the petitioners to approach the competent civil Court as against the Revenue Officials for the alleged demolition of encroachment, in the manner known to law.

8.With the above observations, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

30.03.2023

pri
Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

5/6



WEB COPY



W.P.No.18245 of 2019

M.DHANDAPANI,J.
pri

To

- 1.The Secretary,
Department of Revenue and Disaster Management,
St.George Fort,
Chennai.
- 2.The District Collector,
Tiruvallur,
Tiruvallur District.
- 3.The Tahsildhar,
Gummidipoondi Taluk,
Tiruvallur District.
- 4.The Chief Post Master General,
Tamil Nadu Circle Office,
Chennai – 600 002.

W.P.No.18245 of 2019
And
W.M.P.Nos.17601 and
17603 of 2019

30.03.2023