



W.P.(MD).No.20291 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.10.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.20291 of 2013
and
M.P.(MD).No.1 of 2013

Ulagath Thamizhar Peramaippu Trust,
Represented by its Chairman Pala Nedumaran

.. Petitioner

Vs.

1.The District Collector,
Tanjore District,
Tanjore.

2.The Superintendent of Police,
Tanjore District,
Tanjore.

3.The Division Engineer,
Highways Department,
Tanjore District,
Tanjore.

4.The President,
Tanjore Panchayat Union,
Vilar Village Panchayat,
Tanjore District.

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Declaration, declaring that the act of the respondents in dispossessing the petitioner by illegally demolishing the compound wall in respect of Survey No.18 at Villar Village, Tanjore District without following the due process of law as illegal and unconstitutional and against the permission granted by the 3rd respondent vide C.R.2102/2011/EVA2/dated 25.08.2011 and restore the possession in respect of the above said property to the petitioner Trust and consequently take appropriate legal action against the officials who were involved in the process of illegally dispossessing the petitioner Trust from the above said property.

For Petitioner : M/s.M.Nila
for M/s.KBS Law Associates
For R-1 to R-3 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R-4 : No appearance

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The present Writ Petition has been instituted seeking to declare the act of the respondents in dispossessing the petitioner by illegally demolishing the compound wall in respect of Survey No.18 at Villar Village, Tanjore District without following the due process of law as illegal



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and unconstitutional and against the permission granted by the 3rd respondent vide C.R.2102/2011/EVA2/dated 25.08.2011 and restore the possession in respect of the above said property to the petitioner Trust and consequently take appropriate legal action against the officials who were involved in the process of illegally dispossessing the petitioner Trust from the above said property.

2. With reference to the relief sought for in the writ proceedings, the learned Additional Government Pleader appearing for the respondents 1 to 3 made a submission that the subject property belongs to the Highways Department. Since the petitioner Trust encroached upon the Highways property, the said portion alone was demolished by following the procedures.

3. The photographs submitted by the learned Additional Government Pleader would reveal that the construction of a compound wall in the Highways property was demolished and the authorities have not infringed the property right of the petitioner in respect of their patta lands. In view of the fact that the encroachment in the Highways land alone was removed, we



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are not inclined to consider the relief as such sought for in the present Writ
Petition.

4. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
30.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

- 1.The District Collector,
Tanjore District,
Tanjore.
- 2.The Superintendent of Police,
Tanjore District,
Tanjore.
- 3.The Division Engineer,
Highways Department,
Tanjore District,
Tanjore.



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S.M.SUBRAMANIAM,J.
and
V.LAKSHMINARAYANAN,J.

Lm

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