



W.P.(MD)No.6560 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.P.(MD) No.6560 of 2023
and
W.M.P.(MD)Nos.6217 and 6219 of 2023**

Azhagar

... Petitioner

-vs-

- 1.The District Collector,
Madurai District, Madurai.
- 2.The DRO,
Madurai District,
Madurai.
- 3.The Tahsildar,
Madurai West Taluk,
Madurai District.
- 4.The Commissioner,
Madurai Corporation,
Madurai.
- 5.The Assistant Engineer,
TANGEDCO, Arasaradi,
Madurai.
- 6.K.Rameshwari



WEB C 7.D.Kalimuthu

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... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to set right the petitioner's residential House Door No.35, Ponmeni Pudur 1st Street, Arasaradi, Madurai, which was demolished by them and issue Patta to the extent of 4.25 cents to T.S.Nos.40 and 43, Ponmeni Pudur 1st Street, Arasaradi, Madurai City, and further direct the respondents 1 to 4 to pay a sum of rupees Rs.10,00,000/- (Rupees Ten Lakhs) as compensation to him for damage caused to his residential house and for causing mental agony, within the stipulated period.

For Petitioner : Mr.S.M.Anantha Murugan

For R1 to R3 : Mr.S.P.Maharajan, Special Government Pleader

For R4 : Mr.K.K.Kannan, Standing Counsel

For R5 : Mr.S.Deenadhayalan, Standing Counsel

For R6 and R7 : No Appearance

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.S.M.Anantha Murugan, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader for the respondents 1 to 3, Mr.K.K.Kannan, learned Standing Counsel for the fourth respondent and Mr.S.Deenadhayalan, learned Standing Counsel for the fifth respondent.



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2. The learned counsel for the petitioner submits that the State authorities illegally demolished the construction of the petitioner. The construction of the petitioner was on the land owned by him. For this illegal act, the State authorities are liable to pay compensation to the petitioner.

3. The learned Special Government Pleader submits that the act of the State authorities was not illegal. There was an encroachment on the pathway and only that encroachment of the pathway has been removed.

4. As far as compensation is concerned, the loss caused has to be proved. For that, evidence will be required to be adduced by the petitioner. In Writ jurisdiction, the loss cannot be evaluated.

5. The petitioner has a remedy before the Civil Court to prove the loss caused and claim damages, in case the act of the State authorities is illegal.

6. In the light of that, we dispose of the Writ Petition with liberty to the petitioner to avail the alternate remedy. In that event, all contentions of the



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respective parties are kept open. No costs. Consequently, connected Miscellaneous Petitions are closed.

[S.V.G., .C.J.]

[K.K.R.K., J.]

28.11.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The District Revenue Officer,
Madurai District,
Madurai.
- 3.The Tahsildar,
Madurai West Taluk,
Madurai District.
- 4.The Commissioner,
Madurai Corporation,
Madurai.
- 5.The Assistant Engineer,
TANGEDCO, Arasaradi,
Madurai.



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