



W.P.(MD)No.15118 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15118 of 2021
and
W.M.P.(MD).No.12047 of 2021

T.Rajeshkumar

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

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

3.The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Tirunelveli Housing Unit 17-D "C" Colony,
Perumalpuram,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 3 for the re-conveyance of the property comprised in S.No.580/1, to an extent of 5.5 cents in Kulavanigarpuram Village, Tirunelveli District in favour of the



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petitioner, consequently direct the third respondent to award suitable compensation of Rs.7,00,000/- with interest for his illegal demolition of super structure put up by the petitioner in S.No:580/1 within the time frame and also take appropriate action against erred officials for indulged in illegal demolition of such construction put up by the petitioner.

For Petitioner : Mr.M.Senguvijay
For R-1 : Mr.S.Jeyapriya
Government Advocate
For R-2 : Mr.R.Sivakumar
Government Advocate
(Criminal Side)
For R-3 : Mr.S.Velmurugan
Standing Counsel

ORDER

This Writ Petition was filed for a direction to the respondents 1 to 3 to reconvey the subject property and to pay compensation to the petitioner for illegally demolishing the superstructure that was put up in the subject property.

2. The grievance of the petitioner is that his father had purchased the subject property in the year 1991 through a registered sale deed dated 30.06.1991 and the name of the father was also mutated in the revenue records. Thereafter, a building approval was also granted in the name of the petitioner's



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father by Tirunelveli Municipal Corporation. Based on the same, the building

was put up along with a bore well. The father of the petitioner died in the year 2021 and thereafter, the legal heirs entered into a partition and other sharers relinquished their share in favour of the petitioner. On 19.07.2021, the officers belonging to the third respondent came into the property and threatened the petitioner to vacate the premises. They also proceeded to demolish the property. In view of the same, the present Writ Petition was filed seeking for compensation and for re-conveyance of the property.

3. The third respondent has filed a counter affidavit. On going through the counter affidavit, it is seen that the acquisition proceedings were initiated under the Land Acquisition Act 1894 as early as in the year 1990. Thereafter, award was also passed in the year 2001. The vendor of the petitioner's father had participated and the award amount was also deposited in the Court. In view of the same, the third respondent has taken a stand that the petitioner does not have any right over the property since it has already been transferred in the name of the Housing Board and hence sought for the dismissal of this Writ Petition.



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4. The learned counsel for the petitioner submitted that the father of the petitioner who had become the owner of the property in the year 1991 was not even put on notice and everything had happened behind the back of the petitioner's father. The learned counsel further submitted that when the father of the petitioner had already become the owner of the petitioner, there is no question of the vendor being put on notice by the authorities.

5. In the considered view of this Court, the petitioner approached this Court on the premise that an attempt is being made to illegally take over the property without following the due process of law. However, it has now come to light that acquisition proceedings were initiated and the property was transferred to the third respondent Housing Board. In view of the same, the legality or otherwise of the acquisition proceedings cannot be gone into in this Writ Petition.

6. Therefore, the relief that has been sought for in this Writ Petition cannot be granted to the petitioner.



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7. In the light of the above discussion, it will be left open to the petitioner to agitate his right individually by challenging the acquisition proceedings, if the law so permits. Except giving this clarity, no further orders can be passed in this Writ Petition.

8. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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N.ANAND VENKATESH, J.

Nsr

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