



W.P(MD)No.12608 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.12608 of 2014
and
M.P(MD)No.1 of 2014**

Velammal

... Petitioner

VS.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.
- 3.The Commissioner,
Sankarankovil Panchayat Union,
Sankarankovil,
Tirunelveli District.
- 4.The President,
The Veeriruppu Panchayat,
Sankarankovil Taluk,
Tirunelveli District.
- 5.Ayyanar



W.P(MD)No.12608 of 2014

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6.P.Chandrasekar,
Block Development Officer,
At Tenkasi.

... Respondents

(R – 6 is impleaded vide order dated 01.09.2017
in W.P(MD)No.12608 of 2014)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to permit the petitioner to occupy the same place of 3 cents in Survey No.86/6A in Ward No.2, including the site of demolished portion and to pay costs for the same reconstruction and restitution along with damages of Rs.1,00,000/- within a time frame.

For Petitioner : Mr.F.X.Eugene

For RR 1 to 4 : Mr.M.Sarangan
Additional Government Pleader

For R – 5 : Mr.S.Veluchamy
for Mr.N.S.Karthikeyan

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to permit the petitioner to occupy the same place of 3 cents in Survey No.86/6A in Ward No.2, including the site of demolished portion and to pay costs for the same



W.P(MD)No.12608 of 2014

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reconstruction and restitution along with damages of Rs.1,00,000/- within a time frame.

2.The learned counsel appearing for the petitioner submitted that the petitioner is having a building with a house and a shop bearing Door No.22-A located in Natham Survey No.86/6A. While so, the fifth respondent colluded with the fourth respondent, who is the President of Veeriruppu Panchayat interfered with the possession of the petitioner and demolished the portion of the said property.

3.The learned Additional Government Pleader appearing for the respondents 1 to 4 has produced the communication of the second respondent/the Tahsildar in Na.Ka.No.B11/18846/2013, dated Nil.03.2014 and submitted that the authority concerned has removed the encroachment in respect of Survey No.85/5, which is classified as a 'Natham land' and they have not interfered with the possession of the petitioner in Survey No. 86/6A and no property of the petitioner was demolished as alleged by the petitioner.



W.P(MD)No.12608 of 2014

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4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.On a perusal of the materials available on record, it is seen that the petitioner has not placed any material before this Court for the above said allegation made by the petitioner.

6.In view of the above, no further order is required in this Writ Petition. Accordingly, this Writ Petition is dismissed. If the authority concerned has demolished the portion of the building in Survey No.86/6A, it is open to the petitioner to approach the competent civil Court placing all the relevant materials in the manner known to law, if she is so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes
ps

[D.K.K.,J.] [R.V.,J.]
23.01.2023



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and
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ORDER MADE IN
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