



W.P. (MD).No.19713 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 15.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.19713 of 2021

Shamugam

... Petitioner

Vs

1. The District Collector,
Tiruchirapalli District.
2. The Superintendent of Police,
Tiruchirapalli District.
3. The Revenue Divisional Officer,
Musiri, Tiruchirapalli District.
4. The Tahsildar,
Musiri Taluk, Thiruchirapalli - District.
5. The Inspector of Police,
Thathaiyangarpettai Police Station,
Thathaiyangarpettai, Musiri Taluk,
Tiruchirapalli District.
6. Gangamalli
7. Chinaungaraj

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the



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respondents to pay compensation for the illegal demolition of petitioner's house situated at No.5/186, Ambaakarath Theru, Kallankuthu, Jambumadai Via, Jadamangalam Post, Musiri Taluk, Thiruchirapalli District and further more direct the respondents No.2 and 5 to provide police protection to the life and limbs and property to the petitioner on the basis of the petitioner's representation, dated 17.10.2021 within a time frame that may be stipulated by this Court.

For Petitioner : Mr. C.Kayalizhi

For Respondents : Ms.D.Farjana Ghoushia (R1, 3, 4)
Special Government Pleader

Mr.R.Sivakumar (R2, R5)
Government Advocate

Mr.K.Arunraj (R6, R7)

ORDER

This writ petition has been filed for the issue of a writ of mandamus, directing the respondent to pay compensation for the illegal demolition of the house belonging to the petitioner and to provide protection to the life and limb of the petitioner and also to the property of the petitioner, based on the representation made by the petitioner on 17.10.2021.

2.Heard, the learned counsel appearing for the petitioner, the



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learned Special Government Pleader appearing for the respondents 1, 3, 4, the learned Government Advocate appearing for the respondents 2 and 5 and the learned counsel appearing for the respondents 6 and 7.

3.The case of the petitioner is that the subject property belongs to him absolutely and the petitioner is tracing his right and title through settlement deed, dated 14.06.2007. The grievance of the petitioner is that the private respondents in the presence of police officials trespassed into the property and started demolishing the house and also threatened the petitioner with dire consequences. The petitioner made a complaint in this regard before the respondents 1 to 4 on 17.10.2021. Since the same was not acted upon, the present writ petition was filed before this Court.

4.When the matter was taken up for hearing today, the learned Government Advocate appearing on behalf of the respondents 2 and 5 submitted that the property of the petitioner was restored and the petitioner is now living in the said property without any disturbance. The learned Government Advocate further submitted that an undertaking was



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given by the parties that they will not create any law and order problem and based on the same, the complaint was closed.

5.In the light of the above submission, it is clear that the property has been restored and the petitioner is in possession and enjoyment of the same. Insofar as the claim for compensation is concerned, the petitioner is claiming such compensation against the private respondents, on the ground that they had illegally demolished the property with the help of the police. This issue cannot be dealt with in this writ petition. The petitioner has necessarily initiate separate proceedings before the competent Civil Court seeking for compensation against the private respondents. Except giving this clarity, no further orders can be passed in this writ petition.

6.This writ petition is disposed of in the above terms. No costs.

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NCC : Yes/No
Internet: Yes/No
Index : Yes/No
PNM



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N.ANAND VENKATESH, J.

PNM

**ORDER IN
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