



WP(MD)No.9444/2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.9444/2014 &
MP(MD)Nos.1 & 2/2014

A.Amutha

...Petitioner

Vs

1.The Superintendent of Police,
Madurai District @ Madurai.

2.The Commissioner,
Corporation of Madurai,
Madurai - 2.

3.The Inspector of Police,
Oomatchikulam Police Station,
Madurai.

4.Muthukumar,
The Inspector of Police,
Oomatchikulam Police Station, Madurai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to take appropriate departmental and criminal action against the 4th respondent and other persons for their high handed act of demolishing the petitioner's compound wall, situated in S.No.290/4 (UDR S.No.166/4A)



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to an extent of 4.26 cents and S.No.290/6 (UDR S.No.166/6) to an extent of 5.325 cents situated at Siruthur Village, Madurai North Taluk and District and consequently direct the respondents to pay compensation of Rs.5,00,000/- (Rupees Five Lakhs only) to the petitioner within the time stipulated by this Court.

For Petitioner : Mrs.Saranya
for Mr.N.Sathish Babu

For Respondents : Mr.P.Kottai Chamy for R1 to R3

ORDER

This writ petition is filed for a mandamus directing the Superintendent of Police to take appropriate departmental and criminal action against the then Inspector of Police, Oomatchikulam Police Station, Madurai that he has high handedly demolished the petitioner's compound wall and further directing the respondents to pay compensation of Rs.5,00,000/- (Rupees Five Lakhs only) to the petitioner.



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2. The learned counsel appearing for the petitioner submits that the lands in S.No.290/4 and S.No.290/6 are the absolute properties of this petitioner, which this petitioner has obtained by way of a Registered Exchange Deed dated 05.12.2005. After purchase, the petitioner has put up fencing in the properties. The second respondent claiming that, it is a common pathway, with a help of the fourth respondent, has demolished the compound wall without issuing any notice or conducting any enquiry and therefore, this writ petition is filed.

3. The fourth respondent has filed a counter affidavit that the second respondent Madurai Corporation has sent a request for police protection since the petitioner refused to co-operate for removing encroachments. Therefore, the fourth respondent provided police protection for removal of encroachments on 10.06.2014 and he is not aware of any right or claim of this petitioner on the above survey numbers.

4. The learned Government Advocate has also produced the request letter of the second respondent Madurai Corporation dated 05.06.2014 requesting for police protection on 10.06.2014 for removal of



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encroachments.

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5. The petitioner has filed this writ petition for an action as against the fourth respondent alone without seeking any relief as against the second respondent, on whose instance, the alleged encroachment has been removed. The fourth respondent has only provided police protection, since there was a request from the competent Authority. The action of the fourth respondent Police cannot be found fault with. Therefore, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

09.03.2023

NCC: Yes / No

Index :Yes / No

Speaking Order : Yes / No

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B.PUGALENDHI, J.

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