



W.P(MD)No.7715 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7715 of 2015

and

M.P.(MD)No.1 of 2015

R.Sankar

... Petitioner

Vs.

**1.The District Collector,
Thanjavur District,
Thanjavur.**

**2.The Thasildar,
Papanasam Taluk,
Papanasam,
Thanjavur District.**

**3.The Executive Engineer,
Highways Department,
Thanjavur.**

**4.The Assistant Executive Engineer,
Highways Department,
Papanasam,
Thanjavur District.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to pay



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compensation to the petitioner for trespassing and demlishing 10 shops put up by the petitioner in his land in S.F.No.303/5 in Ganapathy Agrahaam Village, Papanasam Taluk, Thanjavur District without following the statutory procedure as laid down by the statute.

For Petitioner : Mr.AN.Ramanathan

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner alleges that the shops put up by him in Survey No.303/5 in Ganapathy Agraharam Village, Papanasam Taluk were demolished without due process of law and that the respondent must pay compensation to him.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. Counter affidavits have been filed by the respondents. The affidavit filed by the Assistant Divisional Engineer, Highways Department in January 2019 reads that survey was conducted and only the encroached portions were demolished. In both the affidavits,



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Survey No.335 has been mentioned. If any demolition was carried out in Survey No.335 without adhering to the procedure set out in the statute, it is open to the petitioner to institute a suit for damages against the respondents. Liberty is granted. In writ prayer, what has been mentioned is only Survey No.303/5. I perused 'A register' entries. Survey No.303/5 stands in the name of the writ petitioner and his brother and it is a patta land. The respondents are restrained from interfering with the petitioner's possession in respect of Survey No.303/5, Ganapathy Agraharam Village, Papanasam Taluk. To this extent, the writ petition is allowed. Since there is a factual controversy in respect of demolition, it is for the petitioner to work out his remedy in the manner known to law.

5. The writ petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

19.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

rmi

To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Thasildar,
Papanasam Taluk,
Papanasam,
Thanjavur District.
- 3.The Executive Engineer,
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