



W.P.No.23707 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.23707 of 2021
and
W.M.P.No.24951 of 2021

K.Adhesh Kumar

.... Petitioner

Vs

1.The Block Development Officer,
Karamadai,
Coimbatore District.

2.The President,
Chikkadhasampalayam Panchayat,
Karamadai,
Coimbatore District.

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, forbearing the 2nd respondent or his men or his subordinate in any manner demolishing the compound wall constructed in the property comprised in Survey Nos. 159/1A, 161/2A1,



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161/2, 167/2, 168, 169/2, 167/1, 169/1, 166/2 situated at Mettupalayam

Taluk, Karamadai Village, Chikkadhasampalayam Panchayat.

For Petitioner : Mr.M.Mohamed Riyaz
For R1 : Mr.V.Manoharan
Additional Government Pleader
For R2 : Mr.U.Baranidharan

ORDER

This Writ Petition has been filed seeking to forbear the second respondent from demolishing in any manner the compound wall constructed by the petitioner in the property comprised in Survey Nos.159/1A, 161/2A1, 161/2, 167/2, 168, 169/2, 167/1, 169/1, 166/2 situated at Mettupalayam Taluk, Karamadai Village, Chikkadhasampalayam Panchayat.

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

3. The vacant land comprised in Survey Nos.159/1A, 161/2A1, 161/2, 167/2, 168, 169/2, 167/1, 169/1, 166/2 situated at



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Mettupalayam Taluk, Karamadai Village, Chikkadhasampalayam Panchayat, belongs to Ranganayaki, Savithri, Santhamani, Balamani, Rani, Senthil Kumar, Mani, Sathya, Sujithra. The petitioner, being the developer, had entered into an agreement for sale deed dated 03.01.2019. While the petitioner was developing the land as a layout, he put up a compound wall. While being so, the respondents had affixed a notice on the compound wall of the said property stating that the compound wall should be demolished within 24 hours on the ground that it may collapse due to rainfall and cause endanger to the neighbouring house.

4. A perusal of the counter filed by the first respondent reveals that after entering into an agreement, the petitioner encroached upon some land classified as Pallavari Land, dumped soil and levelled the land. Further he also constructed a compound wall to a height of 13 feet around the land, in which the petitioner has no right to construct a compound wall in the Pallavari Land. That apart, during the rainy season, the rain water diverted towards the southern side of the houses and causing damages to the houses situated at Anna Nagar and Selvapuram.

5. In view of the above, the first respondent is directed to



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survey the property owned by the petitioner's vendors, and if any encroachment has been made by the petitioner in constructing the compound wall, the respondents are at liberty to take appropriate action as against the petitioner in the manner known to law. Till then, the respondent are restraining from demolishing the compound wall put up by the petitioner without due process of law.

6. With the above direction, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed.

No costs.

23.10.2024

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
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To
1.The Block Development Officer,
Karamadai,
Coimbatore District.

2.The President,
Chikkadhasampalayam Panchayat,
Karamadai, Coimbatore District.



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G.K.ILANTHIRAIYAN, J.

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