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W.P.No. 24100 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM

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

W.P.No.24100 of 2024
and
W.M.P.No.26350 of 2024

G.Dhanasekaran Petitioner

Vs

1.The Collector of Kanchipuram,
The District Collectorate,
Kanchipuram.

2.The Executive Officer,
Walajabad Town Panchayat,
Walajabad, Kanchipuram District.

3.The Tahshildar,
Walajabad,
Kanchipuram District.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from interfering with and demolishing the brick compound wall of the petitioner's agricultural land in Survey Nos.94/1 & 94/2 of Walajabad Village and Taluk, Kanchipuram District.



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For Petitioner : Mr.P.R.Raman
Senior Counsel
for Mr.T.D.Selvan Babu

For R1 & R3 : Mr.P.Gunasekaran
Additional Government Pleader

For R2 : Mr.P.Harish
Government Advocate

ORDER

This Writ Petition has been filed forbearing the respondents from interfering with demolishing the brick compound wall of the petitioner put up in and around the agricultural land comprised in Survey No.94/1 & 94/2, Walajabad Village, Kanchipuram District.

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

3. The petitioner owned a land comprised in Survey Nos.94/1 & 94/2 situated at Walajabad Village, Kanchipuram District. It is an agricultural land surrounded with brick compound wall. It was constructed about 40 years ago by the petitioner's ancestors to prevent from cattle and also as a security measure. The cart track and water



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channel exists on the southern side of the petitioner's agricultural land abutting the compound wall. The said cart track is about 8 to 15 feet width in zigzag position comprised in Survey No.95. There is a water channel exists along with the cart track. The said cart track was laid with a tar road by the second respondent and converted it into a village panchayat road. While being so, in order to widen the said road without any notice to the petitioner, the respondents are proposed to remove the compound wall as if the compound wall was put up in the village panchayat land.

4. The learned Senior Counsel also produced the photographs showing that the compound wall was constructed by the petitioner's forefather several years before and it is a very old one. Therefore, it is not a newly constructed compound wall. However, the respondents have no jurisdiction or authority to demolish the compound wall without due process of law. If at all they found any encroachment in the panchayat road, they can very well conduct enquiry, after issuance of notice to the petitioner and after giving an opportunity of hearing, and proceed further.

5. In view of the above, the respondents are restraining from interfering with demolishing the brick compound wall of the petitioner



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put up in and around the agricultural land comprised in Survey No.94/1 & 94/2, Walajabad Village, Kanchipuram District, without due process of law.

6. With the above direction, this writ petition stands allowed.

Consequently, connected miscellaneous petition is closed. No costs.

19.08.2024

Internet : Yes/No
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

1.The Collector of Kanchipuram,
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Kanchipuram.

2.The Executive Officer,
Walajabad Town Panchayat,
Walajabad, Kanchipuram District.

3.The Tahshildar,
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G.K.ILANTHIRAIYAN, J.

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