



W.P.No.26275 of 2024

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 21.10.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.26275 of 2024

Santhi Munirathinam

.. Petitioner

Vs

- 1.The Addl. Director,
Engineering Division,
Land Survey Record Department,
Survey House, Chepakkam,
Chennai – 5.
- 2.The Revenue Divisional Officer,
Ambathur Division,
Ambathur, Chennai – 54.
- 3.The Tahsildar,
Maduravoyal Taluk Office,
Chennai – 95.
- 4.The Inspector of Police,
Maduravoyal Police Station,
Chennai – 95.
- 5.The Commissioner,
Greater Chennai Corporation,
Chennai.
- 6.The Divisional Engineer,
Zone XI – Office of the Divisional Engineer,
Valasaravakkam, Chennai – 87.



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7.Sekar

8.Devaraj

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus directing the respondents 5 and 6 to pay a sum of Rs.25,00,000/- as damages for unauthorized and illegal demolition and also towards compensation for the mental and physical agony caused by the respondents on 22.04.2024.

For Petitioner	: Ms.Vedavallikumar
For R1 to R3	: Mr.S.Jayachandran, GA
For R4	: Mr.R.Kishorekumar, GA (Crl.)
For R5 & R6	: Mr.E.C.Ramesh, Standing Counsel

ORDER

The writ petition has been filed for a direction to the respondents 5 and 6 to pay a sum of Rs.25,00,000/- as damages for unauthorized and illegal demolition of the construction made by the petitioner.

2. The petitioner is the owner of the property situated at No.15, Sannadhi Street, Maduravoyal, Chennai-95, and in the said place, she constructed shops facing road side and on the back side of the shops, she is residing in a small house, and it consists of ground floor and first floor.



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While being so, there is a dispute between the petitioner and her neighbours. Therefore, she filed a civil suit in O.S.No.406 of 2007 on the file of District Munsif Court, Poonamalle, seeking permanent injunction against them. To counter the said action of the petitioner, aggrieved parties constructed a temple in front of her house.

3. Although the petitioner has made several representations to the authorities requesting to remove the temple, no action has been taken, and hence, the petitioner filed a writ petition in W.P.No.22287 of 2019 seeking a direction to remove the temple constructed unauthorizedly on the drainage lane. The Hon'ble Division Bench of this Court, vide order dated 25.03.2024, observed thus in paragraphs 2 to 4:-

2. When they are unable to remove such glaring encroachments, despite the orders of the Court, we are afraid that illegalities are crossing the limits and the authorities became mute-spectators. The photographs furnished would reveal that there is a small structure, causing obstructions in the road and drainage.

3. The encroachments made by the petitioner, by constructing two feet steps, causing obstructions on the road, are also directed to be



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removed.

4. The learned standing counsel appearing on behalf of the corporation undertakes that encroachments will be removed by tomorrow i.e., on 26.03.2024. In the event of failure, the Commissioner, Corporation of Chennai, is directed to be present before this Court on 27.03.2024 at 10.30 am.

4. Pursuant to the directions of this Court stated supra, the small religious structure as well as the encroachments made by the petitioner were removed by the Greater Chennai Corporation. As the encroachment was removed only based on the directions of this Court, it cannot be said that the respondents have illegally demolished petitioner's building. Thus, the present writ petition filed by the petitioner seeking to pay damages for demolition of her building is not sustainable in law. Accordingly, the writ petition is dismissed as devoid of any merit. No Costs.

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