



W.A.No.4 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.A.No.4 of 2023

1.V.Manoharan
2.N.S.Kalyanasundaram
3.N.P.Vinayagasundaram
4.N.S.Alalasundaram

.. Appellants

Vs

1.The District Collector,
Chengalpattu District.
2.The Revenue Divisional Officer,
Tambaram, Chengalpattu District.
3.The Tahsildar,
Pallavaram Taluk,
Chengalpattu District.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 18.7.2022 passed by the learned Single Judge in W.P.No.18133 of 2022.



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For the Appellants : Mr.S.Ramesh
For the Respondents : Mr.C.Kathiravan
Spl. Government Pleader

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.S.Ramesh, learned counsel for the appellants and Mr.C.Kathiravan, learned Special Government Pleader for the respondents.

2. The appellants/original writ petitioners filed the writ petition seeking writ of mandamus forbearing the respondents from taking any further action in respect of the subject writ property and to direct the respondents to pay compensation for illegally demolishing the building.

3. Learned counsel for the appellants submits that the learned Single Judge came to the conclusion that the facts are not disputed, however, dismissed the writ petition on the ground that disputed



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facts exist. The same is a contradictory finding. It is further submitted that the original writ petitioners had filed a civil suit against the government officials and the said civil suit is decreed. Injunction is claimed against the State officials. Still the State officials have fixed a board on the subject writ property without any authority.

4. As far as the grant of compensation is concerned, the same would require some evidence. In writ jurisdiction, the said fact cannot be gone into.

5. As contended by learned counsel for the original writ petitioners if the decree of injunction operates against the government officials and the decree of injunction is violated, the original petitioners have a remedy under the provisions of Code of Civil Procedure. It is for the petitioners to avail the said remedy as may be permissible under law.



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6. With the above observation, the writ appeal is disposed of.

There shall be no order as to costs. Consequently, C.M.P.No.54 of 2023 is closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

29.04.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

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Chengalpattu District.



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