



W.P.(MD) No.961 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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A.Chinnasamy

... Petitioner

-VS-

- 1.The District Collector,
Collectorate Campus,
Thanjavur,
Thanjavur District.
- 2.The District Revenue Officer,
Thanjavur,
Thanjavur District.
- 3.The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.
- 4.The Tahsildar,
Orathanadu,
Thanjavur District.
- 5.The Block Development Officer (Village Panchayat),
Orathanadu,
Thanjavur District.



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6.The President,
Peikkarumbankottai Village,
Orathanadu Taluk,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents to restore the building illegally demolished by the Respondents in Survey No.45/29 situated at Peyakarumbankottai, Orathanadu, Thanjavur District and consequently to direct the Respondents to pay adequate compensation for illegal demolition made by the Respondents without following due process of law and by considering the Petitioner's representation dated 09.11.2023 within the period that may be stipulated by this Court.

For Petitioner : Mr.A.Nawazkhan
for M/s.Ajmal Associates

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R4

Mr.T.Amjadkhan,
Government Advocate for R5 & R6

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuing a direction to the respondents to restore the building illegally demolished by the respondents in



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Survey No.45/29 situated at Peyakarumbankottai, Orathanadu, Thanjavur District and consequently to direct the respondents to pay adequate compensation for illegal demolition made by the respondents without following due process of law and by considering the petitioner's representation dated 09.11.2023 within a time frame.

2. By consent of both sides, the Writ Petition is taken up for final hearing at the time of admission itself.

3. According to the petitioner, the respondents, without conducting survey and without providing opportunity to the petitioner, straightaway demolished the dwelling house of the petitioner and therefore, he has filed the present Writ Petition for restoration of the building and compensation.

4. According to the respondents, the petitioner has encroached the pathway and newly constructed the Toilet and therefore, after conducting survey they have removed the encroachments by following due process of law and hence, the Writ Petition is liable to be dismissed.



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5. As Regards the prayer of the petitioner to restore the building is concerned, the land in question is claimed to be classified as a pathway and therefore, this Court cannot direct the respondents to restore the construction in the public pathway. As regards the payment of compensation is concerned, this Court cannot conduct a roving enquiry to determine the compensation. Therefore, if the petitioner has any grievance regarding compensation, he has to approach the competent forum and seek his remedy in accordance with law.

6. In view of the above, the petitioner is not entitled to any relief in the present Writ Petition. Hence, the Writ Petition stands dismissed with liberty to the petitioner to workout his remedy before the competent forum regarding compensation. No costs.

[D.K.K., J.] [R.V., J.]
18.01.2024

Index : Yes / No
Internet : Yes / No
SJ



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