



WEB COPY

**W.P.(MD)No.18483 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 05.08.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
and  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.18483 of 2024**

**and**

**W.M.P.(MD)No.15710 of 2024**

- 1.R.Gurusamy
- 2.K.Kumaraiah
- 3.B.Jesudas
- 4.A.Murugesan
- 5.S.Nallathambi
- 6.N.Parameshwaran
- 7.K.Perumal

... Petitioners

-vs-

- 1.The District Collector / Monitoring Committee,  
Collectorate,  
Madurai District,  
Madurai.
- 2.The Commissioner of Police  
Madurai City,  
Madurai.
- 3.The Assistant Engineer,  
Water Resources Department,  
Irrigation Section No.II,  
Madurai - 2.
- 4.The Revenue Divisional Officer,  
Madurai North, Madurai District.



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5. The Tahsildar,  
Madurai North Taluk,  
Madurai District.

6. The Inspector of Police,  
K.Pudur Police Station,  
Surya Nagar,  
Madurai - 625 007.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to pass an order of granting a monetary compensation of Rs.40,00,000/- to each of the petitioners for the loss incurred out of the process of eviction of the petitioners' premises on the basis of the representations dated 16.07.2024 and 17.07.2024, within the time frame stipulated by this Court.

|                 |   |                                                            |
|-----------------|---|------------------------------------------------------------|
| For Petitioners | : | Mr.A.Rajaram                                               |
| For R1 to R5    | : | Mr.S.R.A.Ramachandran<br>Additional Government Pleader     |
| For R6          | : | Mr.B.Thanga Aravind<br>Government Advocate (Criminal side) |

### **ORDER**

**[Order of the Court was made by R.SUBRAMANIAN, J.]**

Prayer in the Writ Petition reads as follows:-

*"To issue a Writ of Mandamus directing the first respondent to pass an order of granting a monetary compensation of Rs.40,00,000/- to each of the petitioners*



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*for the loss incurred out of the process of eviction of the petitioners' premises on the basis of the representations dated 16.07.2024 and 17.07.2024, within the time frame stipulated by this Court."*

**2.** It is the claim of the petitioners that the land in Survey No.87/1 belongs to them and a Patta has also been to them under the Natham Settlement Scheme. According to the petitioners, in the guise of removing encroachment in S.No.87/2, which is classified as Vaikal, the authorities have removed their dwelling house also.

**3.** The proceedings under Article 226 of the Constitution of India cannot be used to determine the dispute regarding the title and for compensation. It is the clear stand of the respondents that they have removed the encroachments in Survey No.87/2 only and not in Survey No.87/1A, which belongs to the petitioners. Therefore, we do not see any reason to entertain the Writ Petition. This Writ Petition fails and therefore, the same is liable to be dismissed. Accordingly, it is dismissed. It is open for the petitioners to move the appropriate Civil Court seeking vindication of their rights, if any. No costs.

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
smn2

**[R.S.M., J.] [L.V.G., J.]**  
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**R.SUBRAMANIAN, J.**  
**and**  
**L.VICTORIA GOWRI, J.**

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