



W.P (MD).No. 26111 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

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

W.P (MD).No.26111 of 2024

S.Settumani @ Kumar

...Petitioner

Vs.

- 1.The Additional Chief Secretary,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai-09.
- 2.The Additional Chief Secretary,
Revenue Department,
Government of Tamil Nadu,
Secretariat, Chennai-09.
- 3.The Additional Chief Secretary,
Rural Development and Panchayat Raj,
Government of Tamil Nadu,
Secretariat, Chennai-09.
- 4.The District Collector,
Office of the District Collector,
Trichy District, Trichy.
- 5.The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District, Trichy.
- 6.The Block Development Officer,
Office of the Block Development Officer,
Thiruverumbur Panchayat Union,
Trichy District.



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7. The President,
Navalpattu Panchayat,
Navalpattu,
Trichy District.
8. Mr. T. Jeyaprakash,
Tahsildar,
Office of the Tahsildar,
Thiruverumbur Taluk,
Trichy District.
9. Mrs. Kalaiselvi,
The Then Block Development Officer,
Office of the Block Development Officer,
Thiruverumbur Union,
Trichy District.
10. Mr. Muhammed Rabik,
The Then Revenue Inspector,
Navalpattu Village,
Trichy District.
11. Mr. P. Sathiyamoorthy,
The Village Administrative Officer,
Navalpattu Village,
Trichy District.
12. Mrs. Sumithra,
The then Head Surveyor,
Thiruverumbur,
Trichy District.
13. Mr. Subramani,
The Inspector of Police,
Navalpattu Police Station,
Trichy District.

...Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay adequate compensation to the petitioner by considering the petitioner's representation, dated 30.09.2024 in accordance with law within the time stipulated by this Court.

For Petitioner	: Mr.N.Senthilnathan
For R1 to R5	: Mr.D.Gandhi Raj Special Government Pleader
For R6 & R7	: Mr.D.Sasikumar Additional Government Pleader

ORDER

This writ petition has been filed for a direction directing the respondents to pay the compensation for the building, which was demolished by the respondents.

2. Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for the respondents 1 to 5 and the learned Additional Government Pleader appearing for the respondents 6 & 7.

3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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4. The case of the petitioner is that, he is residing at No.435, Navalpattu Barma Colony, Ordinance Factory of Trichirapalli Post, Trichy District. The land in Survey No.406/34 at measuring 1305 sq.ft was purchased by his mother in the year 1990. The property comprised in Survey No.406/1 is situate affecting his house in which, he had constructed the bathroom and toilet. After the construction, the petitioner is in possession and enjoyment of the said property. Though the petitioner applied for patta, he was not issued any patta. While being so, one Ramani filed a suit and subsequently filed a writ petition in W.P(MD)No.3970 of 2021 for removal of encroachment. This Court by order dated 24.11.2022 directed the official respondents to consider the representation submitted by the petitioner and if there is any encroachment, remove the same after giving opportunity of hearing to the parties concerned. However, without giving any opportunity of hearing, the respondents demolished the portion in which, the petitioner constructed the bathroom. Though the petitioner lodged a complaint, no action has been taken, as such, submitted a detailed representation seeking compensation.

5. On instructions, Mr.D.Gandhi Raj, learned Special Government Pleader appearing for the respondents 1 to 5 submitted that the subject land comprised in Survey No.406/1 situate at Navalpattu Barma Colony,



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Trichirappalli is classified as Government Poramboke and as directed by this Court, after giving an opportunity of hearing, encroachments were removed.

6. Therefore, the representation submitted by the petitioner seeking compensation cannot be considered by this Court that too, under Article 226 of the Constitution of India. Now, it is clear that the dispute is regarding the question of law and facts and therefore, the petitioner ought to have approach the Civil Court for any relief.

7. In view of the above, the writ petition is devoid of merits. Accordingly, the writ petition is dismissed. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
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To

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