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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.8038 of 2022

Uthandi @ Uthaman

.. Petitioner

Vs.

- 1.State of Tamil Nadu Rep. by its
The Principal Secretary,
Public Works Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector,
District Collector Office,
Erode District.
- 3.The Executive Engineer,
Irrigation and Canal Maintenance,
Public Works Department, Konavaikkal,
Erode 638 002.
- 4.The Tahsildar,
Tahsildar's Office,
Modakkurichi,
Erode District.
- 5.The Village Administrative Officer,
Nanjaikalamangalam,
Mannathampalayam (Post),
Modakkurichi, Erode District.



6.The Revenue Inspector,
Tahsildar Office,
Modakkurichi, Erode District.

7.The President
Nanjaikalamangalam Panchayat Union,
Mannathampalayam (Post),
Modakkurichi, Erode District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to restore the petitioner's house to its original condition in the schedule property or to pay a sum of Rs.10 Lakhs as compensation for causing mental agony and peace of mind on account of illegally demolishing the petitioner's house in the schedule property within a specified time frame.

For Petitioner .. Mr.C.Munusamy

For Respondents .. Mr.N.Naveenkumar
Government Advocate for R1 to R6

Mr.P.Balathandayutham
Special Government Pleader for R7

ORDER

This writ petition has been filed in the nature of a mandamus seeking a direction to the respondents to restore the house of the petitioner to its original condition in the schedule property or to pay a sum of Rs.10/- Lakhs as



compensation for causing mental agony and disturbing peace of mind owing to
demolishon of the house of the petitioner in the schedule property.

2.The petitioner was residing at S.No.159/1 in Plot No.6 measuring about 256 Sq.Ft., in Nanjaikalamangalam Village, Modakkurichi Circle, Erode. The said property was allotted to the petitioner by way of an assignment patta. It is contended that the respondents wanted to construct an overhead tank in the area and though the villagers had accepted for construction of such overhead tank, the petitioner has a grievance that the tank was constructed by demolishing the compound wall of the petitioner's residence and a portion of the residence of the petitioner. But however, such fact is disputed by the respondents. It is also claimed that S.No.159/1 where the petitioner resides has actually been classified as Natham Poramboke in the revenue records. But however, the learned counsel for the petitioner asserted that the fact that the petitioner is residing in his own authority cannot be denied or disputed, since the petitioner's property is assessed property tax and he is also paying water charges and other such charges which give him some right to reside in place. The respondents have also issued assignment patta to the petitioner with conditions. The facts whether the petitioner has satisfied the conditions for such assignment and the further fact relating to the damage and



quantification of such damage, are issues which can be better assessed by a Civil

Court and not on the basis of affidavit before this Court.

3.The date of alleged demolition was 22.01.2022. The writ petition had been filed before this Court on 07.03.2022. The period of pendency of this writ petition alone can be excluded from the period of limitation, if at all that issue is put against the petitioner herein which would mean that from 07.03.2022 till this date/06.01.2025, the limitation stands excluded under Section 14 of the Limitation Act. But however, the petitioner may approach the Civil Court seeking appropriate relief.

4.The writ petition stands disposed of. No Costs.

06.01.2025

Index:Yes/No

Internet:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation:Yes/No

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To

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C.V.KARTHIKEYAN,J.

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