



W.P(MD)No.457 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.457 of 2023

and

W.M.P(MD)No.427 of 2023

Amalorpavam

... Petitioner

Vs

1.The District Collector,
Tirunelveli District.

2.The Tahsildar,
Tirunelveli,
Tirunelveli District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to restore the petitioner's residential house property at Plot No.60 in Survey No.430/1, situated at Rajavallipuram Village, Tirunelveli Taluk, Tirunelveli District and further directing the respondents to provide compensation for the damage caused to the petitioner house property by considering the petitioner's representation dated 24.12.2022.

For Petitioner : Mr.A.Robinson
For Respondents : Mr.D.Gandhi Raj
Special Government Pleader



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ORDER

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This writ petition has been filed for a direction directing the respondents to restore the petitioner's residential house property at Plot No.60 in Survey No.430/1, situated at Rajavallipuram Village, Tirunelveli Taluk, Tirunelveli District.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. Originally the petitioner's mother was assigned with Plot No.60 comprised in S.No.430/1 to an extent of 2 1/2 cents situated at Rajavallipuram Village, Tirunelveli Taluk, Tirunelveli District by the proceedings dated 06.10.1993 by the second respondent and it was settled in favour of the petitioner by the settlement deed registered vide Document No.1141/2018. After the settlement, the petitioner is in possession and enjoyment of the property. While being so, the petitioner's house was demolished by the second respondent along with other revenue officials without notice and without giving any opportunity of hearing. Therefore, the petitioner submitted a representation to restore her house and also seeking compensation.



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4. The learned Special Government Pleader appearing for the respondents, on instructions, would submit that the petitioner's mother was originally assigned 2 1/2 cents land in the total extent of the land admeasuring 1.48.5 hectares comprised in S.No.430/1 which is classified as Natham Government Poramboke, however, after the settlement in favour of the petitioner, she compounded the property admeasuring 7 cents and it is clear encroachment and therefore, the petitioner was served with notice affixed in her door since the petitioner refused to receive the same. Thereafter, with the help of the police aid encroachment in the Government Poramboke land was removed by the second respondent.

5. Therefore, the contention of the petitioner that without notice and without giving any opportunity of hearing her house was demolished is false one and the house of the petitioner has not been demolished, only the compound wall put up by the petitioner was removed, that too, after issuance of notice.

6. In view of the above, this Court finds no merit in the writ petition and it is devoid of merits and is liable to be dismissed.



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7. Accordingly, the writ petition is dismissed. No costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes
am

22.01.2025

To

1.The District Collector,
Tirunelveli District.

2.The Tahsildar,
Tirunelveli,
Tirunelveli District.



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G.K.ILANTHIRAIYAN, J.

am

Order made in
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