



W.P.(MD)No.1890 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

CORAM:

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

W.P.(MD)No.1890 of 2023

1.V.Sridhar
2.V.Srinivasan

... Petitioners

/Vs./

1. The Regional Officer,
The National Highway Department,
307, Melur Main Road, K K Nagar,
Madurai.
2. The District Collector,
Collectorate,
Madurai District.
3. The Thasildar,
Taluk Office, Melur,
Madurai District.
4. The Divisional Officer,
K K Nagar, Ramanor Reserve Line,
Race Course Colony,
Madurai District.
5. The Commissioner,
The Municipal Office,
Thiruvathavoor Road, Melur,
Madurai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay compensation of Rs.15 lakhs towards damages of the petitioner's shops of front portion and mental agony that is caused by the 1st respondent and his subordinates to us and 2nd respondent may take appropriate action against the officials involved in the illegal action of demolition of the petitioner's shops without following the act and rules contemplated under the National Highway act within a time frame that may be fixed by this Court.

For Petitioners : Mr.E.Mohamed Abbas

For Respondents : Mr.S.Shanmugavel (R1 to R3)

Additional Government Pleader

Mr.D.Sekar (R5)

ORDER

This writ petition has been filed seeking for a direction to the respondents to pay compensation of Rs.15,00,000/- towards damages caused to the petitioners' shops in front portion and the mental agony suffered by the petitioners for illegal action of demolition of the petitioners' shops without following any procedure.

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



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3. The petitioners are brothers and they owned the property comprised in S.No.221/2 situated at Sandaipettai, Melur, Madurai District. While being so, the first respondent, on 26.08.2022, without any notice and without following any procedure, demolished the front portion of their three shops and caused damage to the entire structure.

4. On perusal of the counter filed by the fourth respondent, it is seen that the petitioners are encroachers. In order to comply with the order passed by this Court in WP(MD)No.501 of 2020 dated 27.07.2022 filed by one Mohammed Ibrahim to remove the encroachment made by the petitioners in T.S.No.28, Melur Taluk, Madurai District, the fifth respondent conducted a meeting and a communication dated 05.08.2022 was also sent to survey and demarcate the subject property. After survey and demarcation, it was found that the encroachments are only temporary in nature and notices were issued for removal of encroachments to the encroachers including the petitioners.

5. The learned Additional Government Pleader appearing for the official respondents also produced a copy of the notice dated 28.07.2022



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before this Court, which was already served on the petitioners, thereby directed the petitioners to remove the encroachment which was made temporarily. Even after the said notice, the encroachers were duly served with notices dated 16.08.2022 and 21.08.2022, thereby directed the encroachers to remove their encroachments on their own. The petitioners, being encroachers were inclined to remove the encroachment by themselves. Therefore, there is no question of demolition of any portion of their shops and also only after issuance of notices, the authorities themselves removed the encroachment.

6. In view of the same, the request made by the petitioners seeking for compensation cannot be considered. This writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

29.01.2025
(2/2)

Index : Yes / No
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

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