



W.P(MD)No.20975 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.20975 of 2022

S.Rakkayi

... Petitioner

Vs

1.The State of Tamil Nadu,
Represented by its Secretary to the Government,
Revenue and Disaster Management Department,
St. George Fort,
Chennai – 9.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to pay the compensation of Rs.3,00,000/- for the damages caused by the third respondent and his men by demolishing the compound wall of the petitioner without following the principles of natural justice or any rule of law and to restore the compound wall in the petitioner's house situated in new Natham Survey No.274/4, Nathanur Village, Kalaiyarkovil Taluk, Sivagangai District based on the representation of the petitioner dated 12.08.2022.



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For Petitioner : Mr.A.Mohan

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner for a direction directing the respondents to pay compensation of Rs. 3,00,000/- for the damage caused by the third respondent by demolishing the compound wall of the petitioner without any notice situated in new Natham Survey No.274/4, Nathanur Village, Kalaiyarkovil Taluk, Sivagangai District.

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

3.The petitioner owned Natham land to an extent of 5.44 cents comprised in new Natham Survey No.274/4, Nathanur Village, Kalaiyarkovil Taluk, Sivagangai District. The petitioner had put up a compound wall in and around the property. While being so, on 22.05.2022 the third respondent demolished the compound wall without any notice and without any enquiry. Therefore, the



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petitioner submitted a representation seeking compensation for the damage caused by the third respondent.

4.On perusal of the written instructions and on the submissions made by the learned Additional Government Pleader on behalf of the third respondent would reveal that the property comprised in Survey No.217/1 to an extent of 0.81.75.0 hectares is Government poramboke situated at Nathanur Village, Pulanvayal Group, Kalaiyarkovil Taluk. The land comprised in Survey No.274/4 Natham to an extent of 0.02.20 situated at Nathanur Village, Pulanvayal Group, Kalaiyarkovil Taluk belonged to one Chithiralagu. The said Chithiralagu and his wife had encroached on part of the land which is a water catchment area comprised in Survey No.217/1 to an extent of 0.01.0 ares and put up a mud wall compound and also iron fencing. On receipt of the complaint to remove the encroachment, the encroachers were duly served with notice to remove the encroachment. That apart, as directed by the Hon'ble Division Bench of this Court to remove the encroachment in the water catchment area, the said persons were issued notice. However, the said Chithiralagu is not in India and he is residing in abroad. While being so, the said house was permitted to be



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occupied by the petitioner who is none other than the daughter-in-law of one Vanitha as a permissible occupier. That apart, the petitioner is also not residing in the said house. Therefore after due notice, the encroachment was removed by the third respondent. The representation submitted by the petitioner seeking compensation for damage caused to the compound wall cannot be considered since the compound wall is nothing but encroachment in the water catchment area comprised in new Natham Survey No. 274/4, Nathanur Village, Kalaiyarkovil Taluk, Sivagangai District. Hence, this Writ Petition is devoid of merits and the same is liable to be dismissed.

5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

27.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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Represented by the State of Tamil Nadu,
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G.K.ILANTHIRAIYAN, J.

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