



W.P.(MD)No.12373 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.12373 of 2017

and

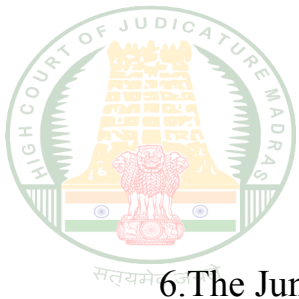
W.M.P(MD)No.9522 of 2017

A.P.I.Mohideen

... Petitioner

Vs.

- 1.The Secretary to Government,
Public Works Department,
State of tamil Nadu,
For St.George, Chennai-600 009.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.
- 4.The Tahsildar,
Kadayanallur Taluk,
Tirunelveli District.
- 5.The Assistant Executive Engineer,
Karuppa Nadhi Dam Section,
Courtallam, Tirunelveli District.



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6.The Junior Engineer,
Karuppa Nadhi Dam Section,
Courtallam, Tirunelveli District.

7.Thangaraj

8.Balasubramanian

... Respondents

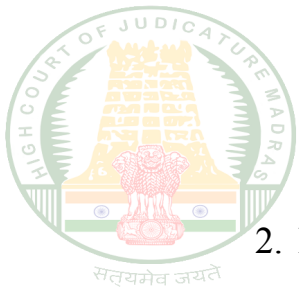
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to pay sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) as compensation for the unlawful damage caused by the respondents herein in the petitioner's agricultural land situated in Survey No.1035/1 of Chokampatti Village Kadayanallur Taluk, Tirunelveli District.

For Petitioner : Mr.E.V.N.Siva

For R1 – R6 : Mr.M.Lingadurai
Special Government Pleader

ORDER

The petitioner has filed the present writ petition seeking issuance of writ of mandamus to direct the respondents to compensate the petitioner by paying a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) for damages caused to the petitioner's agricultural lands.



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2. Heard the learned counsel for the petitioner and the learned Special

WEB GOVERNMENT Pleader for the official respondents.

3. The learned counsel for the petitioner would take me through the photographs enclosed along with the typeset of papers to evidence the severe damage caused to the petitioner's property, without any prior advance notice by the respondents. The learned counsel for the petitioner would submit that the high-handed acts of the respondents have caused severe damage to the petitioner's property, leave alone mental agony. Therefore, he would pray for the writ petition being allowed.

4. Per contra, the learned Special Government Pleader would submit that the petitioner cannot maintain the prayer for compensation by way of writ petition under Article 226 of Constitution of India and he seeks for dismissal of the writ petition.

5. Admittedly, the petitioner complaints of damage caused to his property by high-handed acts of the official respondents. It is a matter for leading evidence and establishing the factum of damage caused by the respondents, in the event of the respondents not admitting to such acts and also to establish the



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quantum of damages that the petitioner is entitled to. These factual issues

cannot be gone into in a writ petition under Article 226 of Constitution of India.

However, considering the fact that the petitioner has approached this Court even as early as in June 2017 and the writ petition has been pending before this Court ever since, invoking Section 14 of the Limitation Act, I give liberty to the petitioner to move the competent Civil Court and seek damages after establishing his claims. In the event of the suit being filed by the petitioner before the competent Civil Court within a period of eight (8) weeks from the date of receipt of copy of this order, then the Civil Court concerned shall entertain the same without putting limitation against the writ petitioner and shall proceed to dispose of the suit, in accordance with law.

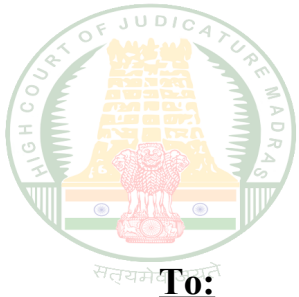
6. In view of the above, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

15.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no

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P.B.BALAJI, J.

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