

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).18297/2010

(From the judgement and order dated 16/09/2009 in WA No.2058/2000
of the HIGH COURT OF MADRAS)

K.N.P.SARATHAMBAL & ORS. Petitioner(s)

VERSUS

SUB COLLECTOR & ORS. Respondent(s)

(With office report)

Date: 23/09/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. S. Ravi Shankar,Adv.

For Respondent(s) Mr. V. Balaji, Adv.
Mr. Vinod Mithe, Adv.
Mr. Pravesh Thakur, Adv.
Mr. Ashi Tambai, Adv.
Mr. Rakesh K. Sharma,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

In terms of the signed order, the appeal is allowed, set aside the order of the division bench of the High Court in W.A.No.2058 of 2000 filed by appellants and remand the matter to the High Court with a request to dispose of the appeal on merits expeditiously in accordance with law.

(Ravi P. Verma) (M.S. Negi)
AR-cum-PS Court Master
[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8145 OF 2011
(Arising out of SLP(C) No.18297/2010)

K.N.P. Sarathambai & OrsAppellants

Versus

Sub-Collector & Ors.Respondents

O R D E R

Leave granted.

2. The appellants allege that they were the owners of a building situated on 8 cents land in Tiruppur. They claim that when purporting to take action against certain alleged unauthorized occupants whose pattas were cancelled, their building was also erroneously and negligently demolished by the respondents - (the Collector, the temple authorities and the Municipality). A writ petition was filed by the appellants aggrieved by the said action. The second respondent - temple authorities filed an affidavit stating that they did not demolish the building of the appellants. The third respondent (Tiruppur Municipality) also filed an affidavit stating that they did not demolish the building of appellants. But the fact that their building was demolished was not in dispute. In this background, the writ petition filed by the appellants, seeking restoration of possession and seeking compensation for illegal demolition was dismissed on 3.11.2000 along with the writ petitions of alleged unauthorized occupants. The writ appeal filed by the appellants was dismissed by the impugned order dated 16.9.2009 on the ground that disputed questions of title were involved.

3. This Court had issued limited notice as to why the matter should not be remanded to decide the matter on merit by separating it from the other writ appeals which have been disposed of by a common order.

4. The appellants contended that their case was different from the other cases with which it was disposed of. If the grievance of the appellants was that their building was illegally demolished by the authorities, and if the authorities merely contended that they did not demolish the building, without disputing that the building was demolished, the High Court ought to have examined the issue. The counter-affidavits filed by respondents show that title was not the issue and their case was different from those of other appeals which disposed of together. On

the facts and circumstances, this is a fit case where the matter ought to have considered on merits.

5. We accordingly, allow the appeal, set aside the order of the division bench of the High Court in W.A.No.2058 of 2000 filed by appellants and remand the matter to the High Court with a request to dispose of the appeal on merits expeditiously in accordance with law.

[R.V. RAVEENDRAN]

J.

[A. K. PATNAIK]

NEW DELHI;
SEPTEMBER 23, 2011