

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.10722 of 2015

and

M.P.No.1 of 2015

S.Sathathunnissa

.. Petitioner

- Vs -

1. The Asst. Director of Town Panchayats,
Krishnagiri.
2. Kaveripattinam Selection Grade Town Panchayat,
Rep. by its Executive Officer,
O/o, Town Panchayat,
No.554, Salem Main Road, (Now Palacode Road),
Kaveripattinam, Krishnagiri District - 635 112.
3. The Chairman,
Kaveripattinam Selection Grade Town Panchayat,
O/o, Town Panchayat,
No.554, Salem Main Road, (Now Palacode Road),
Kaveripattinam, Krishnagiri District - 635 112. .. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to permit the petitioner to continue to use the existing access without in any manner interfering or disturbing or interrupting her peaceful and free usage and enjoyment of the existing vacant place having an extent of 30'x20'(720 Sq.ft.) as access to the petitioner's premises having total extent of 2,785 Sq.Ft. with four storeyed building ('JKS Automobiles'), combinedly constructed and situated in Survey No.62/1A1A, New Survey Nos.640/18, 640/19 and 640/20 (Old Survey No.62/A within Kaveripattinam Town Panchayat limit, abutting Kaveripattinam Bus stand in Krishnagiri District, by considering the petitioner's representation dated 02.04.2015 followed by a reminder on 06.04.2015.

Petitioner : Mr.R.Girirajan

For Respondent 1 : Mr.R.A.S.Senthilvel
Additional Government Pleader

For Respondents 2 & 3 : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

By consent the writ petition is take up for final disposal.

2. The petitioner claims that her husband has purchased a property measuring an extent of 768 sq.ft. comprised in Survey No.62/1A1A, Kaveripattinam Town Panchayat, vide Sale Deed dated 15.12.2000, registered as Document No.1981/2000 on the file of the Sub Registrar, Kaveripattinam. Her husband was running an automobile shop in the said premises for selling various spare parts usable for two wheelers and four wheelers. The said property is having access from the side of Kaveripattinam Bus stand, adjacent to the shops owned by the 2nd respondent Town Panchayat, through which customers use to come to buy automobile materials from their shop and they also use the same way to bring the loads of materials to the shop through vehicles as this is the only way of free access to their premises.

3. The petitioner would further state that they have purchased some adjacent lands for putting up superstructure and the second respondent Town Panchayat has accorded planning approval to construct the superstructure. The apprehension expressed by the petitioner is that the second respondent issued a notice dated 30.03.2015, calling upon the lease holders of the shops to vacate and handover possession on or before 20.04.2015 as the Town Panchayat is planning to put up a staircase on the side of the access area and the same will block their free access. Aggrieved over the said move, the petitioner submitted a representation dated 02.04.2015, to the respondents and since she has not been favoured with any response, came forward with this writ petition.

4. Heard the submissions of Mr.R.Girirajan, the learned counsel appearing for the petitioner. Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepts notice for the first respondent and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader accepts notice for the respondents 2 and 3.

5. The learned Special Government Pleader appearing for the respondents 2 and 3 on instructions would submit that the petitioner has access to the road on the other side and therefore as a matter of right she cannot claim for access to reach the neighbouring premises in question.

6. This Court without going into the merits of the representation directs the second respondent to consider and dispose of the representation of the petitioner dated 02.04.2015 on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. Till such time, the petitioner and the second respondent shall maintain status quo as it is exists today. The writ petition is disposed of accordingly. Consequently, the connected

miscellaneous petition is closed. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Asst. Director of Town Panchayats,
Krishnagiri.
2. The Executive Officer,
Kaveripattinam Selection Grade Town Panchayat
O/o, Town Panchayat,
No.554, Salem Main Road, (Now Palacode Road),
Kaveripattinam, Krishnagiri District - 635 112.
3. The Chairman,
Kaveripattinam Selection Grade Town Panchayat,
O/o, Town Panchayat,
No.554, Salem Main Road, (Now Palacode Road),
Kaveripattinam, Krishnagiri District - 635 112.

+1cc to Mr.V.Jayaprakash Narayanan ,Advocate SR.No.20518
+1cc to Mr.R.Neelakandan , Advocate SR.No.20465

W.P.No.10722 of 2015
and M.P.No.1 of 2015

mg (co)
pmk.28.4.2015

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