

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.10651 of 2020
and
WMP No.12944 of 2020

Muniyammal

...Petitioner

Vs.

1. The District Collector
Thiruvannamalai District.
2. The District Revenue Officer
Thiruvannamalai
Thiruvannamalai District.
3. The Tahsildar
Polur Taluk
Thiruvannamalai District.
4. The Block Development Officer
Polur Taluk
Thiruvannamalai District.
5. The Executive Officer
Kalambur Town Panchayat
Polur Taluk
Thiruvannamalai District.

...Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from disturbing the peaceful usage and enjoyment of the pathway (battai) situated in the pond shore (Kulakkarai) in the Survey No.1184/2, Kalambur Village, Polur Taluk, Tiruvannamalai District as ingress and egress to reach to the the petitioner's land except due process of law.

For Petitioner	:	Mr.B.Gopalakrishnan
For Respondents	:	Mr. E.Balamurugan Special Government Pleader

ORDER

This Writ Petition has been filed seeking to forbear the respondents from disturbing the peaceful usage and enjoyment of the pathway (battai) situated in the pond shore (Kulakkarai) in Survey No.1184/2, Kalambur Village, Polur Taluk, Tiruvannamalai District, as ingress and egress to reach the petitioner's land, except by due process of law.

2. Mr.E.Balamurugan, learned Special Government Pleader takes notice for respondents 1 to 5.

3. It is seen from the records that the substantial issue is already pending before the National Green Tribunal, Southern Zone, Chennai, in O.A.No.36 of 2020. A detailed interim order has also been passed by the Tribunal on 26.06.2020.

4. The grievance of the petitioner is that the respondents are now preventing the petitioner from using the pathway, which is used by the petitioner as ingress and egress to her property.

5. I have heard Mr.B.Gopalakrishnan, learned counsel appearing for the petitioner and Mr.E.Balamurugan, learned Special Government Pleader appearing for the respondents.

6. The National Green Tribunal has already directed the report to be filed during the next date of hearing on 10.09.2020. When the substantial issue is pending before the Green Tribunal, it will not be proper for this Court to go into the merits of this case and the issue must be left open to be decided by the National Green Tribunal. For the present, it will be enough if this Writ Petition is disposed of by keeping open all the issues to be decided by the National Green Tribunal, and there will be an interim protection for the petitioner only insofar as using the pathway for ingress and egress to her property. The interim protection is granted for a short period till 10.09.2020 and it is left open to the petitioner to work out her remedy before the National Green Tribunal, Southern Zone, Chennai.

7. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

mra

To

1. The District Collector
Thiruvannamalai District.
2. The District Revenue Officer
Thiruvannamalai
Thiruvannamalai District.
3. The Tahsildar
Polur Taluk
Thiruvannamalai District.
4. The Block Development Officer
Polur Taluk
Thiruvannamalai District.
5. The Executive Officer
Kalambur Town Panchayat
Polur Taluk
Thiruvannamalai District.

Copy to :
The National Green Tribunal
southern Zone, Chennai.

+1 cc to M/s.B.Gopalakrishnan, Advocate Sr.No. 26810

W.P.No.10651 of 2020
and
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RSV(CO)
RMP(04/09/2020)

सत्यमेव जयते

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