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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.08.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.17275 OF 2021

AND

WMP NO.18299 OF 2021

P.N.Kanakaraj

.. Petitioner

Vs

1. The District Collector,
Coimbatore.
2. The Tahsildar, Pollachi.
3. The Block Development Officer (North),
Block Development Office,
Pollachi.
4. The President,
Kittasurampalayam Panchayat,
Pollachi Taluk,
Coimbatore District.
5. Sivakumar
6. Venkatesan
7. Mohan

... Respondents

Prayer:-

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents 1 to 4 to remove the blockages made by the respondents 5 to 7 in the public roads in S.F.Nos.76/3B2A, 76/3B2B, 76/4A, 76/4B, 79/1B1, 79/1B4, 79/3B1B, 82/1B and 83/2A in Kittasurampalayam Village, Pollachi Taluk, Coimbatore District that are leading to the petitioners agricultural land comprised in S.F.Nos.74/2, 75/2B, 76/3A2, 77, 78/1 and 79/1A, 3A in Kittasurampalayam Village, Pollachi Taluk, Coimbatore District by considering the petitioner's representation dated 16.07.2021.



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For Petitioner :Mr.D.R.Arun Kumar

For Respondents:Mr.U.Baranidharan

Government Advocate for R1 and R2

Mr.Tippusulthan

Government Advocate for R3 and R4

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondents 1 to 4 to remove the alleged obstructions made by respondents 5 to 7 in a public road and thereby, preventing the petitioner and others from using the public road.

2. The case of the petitioner is that the public road in S.F.Nos.76/3B2A, 3B2B, 4A, 4B, 79/1B1, 79/1B4, 79/3B1B, 82/1B and 83/2A in Kitttasurampalayam Village, Pollachi Taluk, Coimbatore District, are the only access to the agricultural lands of the petitioner and it is also being used by persons in and around the locality. These roads were developed by the 4th respondent panchayat. Pursuant to the gift deed executed in favour of the panchayat while granting a layout sanction.

3. The grievance of the petitioner is that respondents 5 to 6 have made obstructions in the public road and thereby preventing the petitioner and others from using the public road. The petitioner made a representation in this regard and also gave a complaint to the police. The 1st respondent on receipt of the complaint, through letter dated 02.08.2021 directed the 2nd respondent to act upon the complaint and report compliance. Since no effective steps were taken inspite of the direction issued by the 1st respondent, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and Mr.U.Bharanidharan, learned Government Counsel for respondents 1 and 2 and Mr.Tippu Sulthan, learned Government Counsel for respondents 3 and 4.

5. The learned counsel appearing on behalf of the petitioner submitted that even though the 4th respondent is duty bound to maintain the public roads, which was gifted at the time of the approval of the layout, he is conniving with the private respondents and is not taking any action to ensure free access in the public road. The learned counsel further submitted that after the directions were issued by the 1st respondent, an official belonging to the 3rd respondent office inspected the place and thereafter, no action was taken.



6. Taking into consideration the facts and circumstances of this case, there shall be a direction to the 3rd respondent to act upon the complaint made by the petitioner. The 3rd respondent shall direct a physical inspection to be conducted and make an enquiry. If there is any obstruction caused in the public road, the same shall be removed and it shall be ensured that the public road is accessed without any hindrance by everyone in the locality. This process shall be completed by the 3rd respondent, within a period of four weeks from the date of receipt of copy of this order.

7. The petitioner is directed to make a fresh representation to the 3rd respondent along with all the relevant documents and also a copy of this order.

8. This writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Coimbatore.
2. The Tahsildar, Pollachi.
3. The Block Development Officer (North),
Block Development Office,
Pollachi.
4. The President,
Kittasurampalayam Panchayat,
Pollachi Taluk,
Coimbatore District.

+1cc to Mr.D.R.Arun Kumar, Advocate, S.R.No.41708
+1cc to the Government Pleader, S.R.No.41775

W.P.No.17275 of 2021

PCH(CO)
PM/07/10/2021