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W.M.P.No.23243 of 2021
in W.P.No.15727 of 2020

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ABDUL QUDDHOSE, J.

This Court, by its earlier order dated 22.03.2021, while disposing of W.P.No.15727 of 2020, directed the second respondent to comply with the undertaking given in paragraph No.9 of the counter affidavit filed by the second respondent before this Court by removing the fence put up in front of Mr.Kalaivanan's property situated in Survey No.119, Attur, to enable the petitioner to have vehicular access, adjacent to the petitioner's land, within a period of two weeks from the date of receipt of copy of the said order.

2. The petitioner has now come forward with this modification application seeking for modification of the earlier order dated 22.03.2021 stating that she should be given 18 feet passage to enable her vehicles to pass through the said passage. The request made by the petitioner in this modification application has been opposed by the respondents and they have also filed their counter affidavits stating their objections.



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3. This Court cannot decide this modification application, in view of the objections raised by the respondents, as in the earlier order dated 22.03.2021, only vehicular access was permitted, but now, the petitioner is seeking for 18 feet passage to enable the petitioner's vehicle to pass through the said passage. If at all aggrieved by non grant of 18 feet passage, the petitioner's only remedy is to file a separate writ petition and not seek for modification of the earlier order, which directed the respondents only to grant vehicular access to the petitioner's vehicle and did not specify the actual width of the said passage.

4. Accordingly, this modification application, viz., W.M.P.No.23243 of 2021 is disposed of, by granting liberty to the petitioner to file a separate writ petition seeking for the relief as sought for in this modification application.

08.12.2021

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