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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2021

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No. 23831 of 2021 and
W.M.P. No. 25101 of 2021

City Garden Promoters,
Represented by its Partner,
K.Ravikumar,
S/o.T.Kanniappan,
S.F.No.793/1, Moranapalli Village,
Perandapalli Post,
Hosur - 635 109,
Krishnagiri District.

... Petitioner

-vs-

1. The District Collector,
Krishnagiri District,
Collectorate, Krishnagiri - 635 115.
2. The Deputy Director of Agriculture (Agri Business),
Hamsa Hussain Street,
Regulated Market Complex,
Krishnagiri District, Krishnagiri - 635 005.
3. The Tahsildar,
Hosur,
Krishnagiri District - 635 109.
4. The President,
Perandapalli Village Panchayat,
Hosur, Krishnagiri District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus forbearing the respondents herein from causing any obstruction / blockage in the 20 feet mud road that runs from the Krishnagiri - Bangalore Highway (NH44) to reach the petitioner's Unit M/s.City Garden Promoters (M Sand) Unit, situated in New Survey Nos.793/1C and 793/3C, Moranapalli Village, Hosur Taluk, Krishnagiri District.



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For Petitioner : Mr.T.Murugamanickam
Senior Advocate
for Mr.V.Rajesh

For Respondents: Mr.NRR.Arun Natarajan
Special Government Pleader

O R D E R

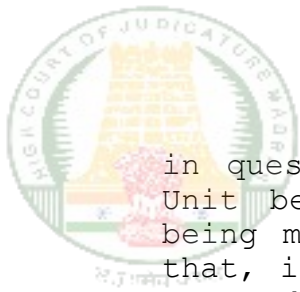
The prayer sought for herein is for a Writ of Mandamus forbearing the respondents herein from causing any obstruction / blockage in the 20 feet mud road that runs from the Krishnagiri - Bangalore Highway (NH44) to reach the petitioner's Unit M/s.City Garden Promoters (M Sand) Unit, situated in New Survey Nos.793/1C and 793/3C, Moranapalli Village, Hosur Taluk, Krishnagiri District.

2. The petitioner is a running M Sand Unit at S.No.793/1C and other survey number to the extent of 5.54 acres of land at Moranapalli Village, Hosur Taluk, Krishnagiri District.

3. In order to reach the petitioner's Unit, there is a mud road belongs to the fourth respondent Panchayat. Next to the eastern side of the petitioner's Unit, there has been a construction to locate the National Flower Market. While so, all of sudden, according to the petitioner, on 25.10.2021, the ingress and egress towards the petitioner's M Sand Unit through the said mud road has been blocked by putting some big boulders. Though the request has been made in this regard by the petitioner to all the respondents herein to remove such boulders enabling the petitioner to have a free flow of ingress and egress towards the said Unit of the petitioner, such a request made by the petitioner through his representation dated 26.10.2021 since has not been considered, the petitioner has approached this Court by filing the present Writ Petition.

4. When this matter came up for hearing on 08.11.2021, this Court directed the learned Special Government Pleader appearing for the respondents to get instructions as to the ownership of the 20 feet mud road and also to get instructions, whether the ingress and egress of the petitioner towards his Unit is being prevented by putting any boulders as alleged by the petitioner and if so, what steps has been taken by the respondents to remove the same.

5. In response to the said queries raised by this Court when the case is taken up for hearing today, Mr.NRR.Arun Natarajan, learned Special Government Pleader appearing for the respondents, on instructions, would submit that, the road



in question which is a mud road leading to the petitioner's Unit belongs to the fourth respondent Panchayat and it is being maintained by the said Panchayat. He would also submit that, in the said road, as of now, there has been no boulders or no hindrance whatsoever to have a free access or ingress and egress not only by the petitioner but any other public, who can use the road to reach the locality, where the said road leads. In support of the said contention, the learned Special Government Pleader has produced a copy of the photographs said to have been taken today, i.e., on 15.11.2021 and by relying upon the said photographs, the learned Special Government Pleader would submit that, now the road in question is very free for traffic flow, where the petitioner can very well use the vehicle towards the Unit and it can also be used by the public without any hindrance. The said road according to the learned Special Government Pleader since belongs to the fourth respondent Panchayat it would continue to be maintained by the said Panchayat for the free flow of traffic without any hindrance being made by anyone.

6. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

7. In view of the specific stand taken by the learned Special Government Pleader appearing for the respondents, of course, on instructions and by relying upon the latest photographs taken today on the site concerned, which suggest that, the road in question which is a mud road belongs to the fourth respondent Panchayat is now free for traffic, where the heavy vehicles like lorry is being operated and therefore, as of now, there is no hindrance for the petitioner to reach his locality to continue to use the said road for his activities.

8. In view of the submission made by the learned Special Government Pleader appearing on behalf of the respondents that, the road belongs to the fourth respondent Panchayat would be maintained accordingly without any hindrance for free flow of traffic, recording the said submission made by the learned Special Government Pleader, this Court feels that, no further order is required to be passed as has been sought for by the petitioner through his prayer and therefore, this Writ Petition is accordingly disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar



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To

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1. The District Collector,
Krishnagiri District,
Collectorate, Krishnagiri - 635 115.
2. The Deputy Director of Agriculture (Agri Business),
Hamsa Hussain Street,
Regulated Market Complex,
Krishnagiri District, Krishnagiri - 635 005.
3. The Tahsildar,
Hosur,
Krishnagiri District - 635 109.
4. The President,
Perandapalli Village Panchayat,
Hosur, Krishnagiri District.

+1cc to Mr.V.Rajesh, Advocate SR.No.58787

+1cc to Government Pleader SR.No.59019

W.P. No. 23831 of 2021
and
W.M.P. No. 25101 of 2021

EV(CO)
GMY(01/12/2021)