



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P.(MD)No.23096 of 2019
(Through Video Conferencing)

Samuel Wilson Hendry

... Petitioner

Vs.

- 1.The Director of Indian Institute of Astro Physics,
II Block, Koramangala,
Bangalore.
- 2.The Administrative Officer,
Indian Institute of Astro Physics
II Block, Koramangala
Bangalore.
- 3.The General Manager,
Regional Metro Centre,
Legal Cell, New No.VI
Old NO.50, College Road,
Chennai-6.
- 4.The Director of Astro Physics,
Observatory Campus,
Kodaikanal
Dindigul District.
- 5.The Astro Physics Scientist-in-charge,
Observatory Campus,
Kodaikanal-624 101,
Dindigul District.
- 6.The District Collector
Dindigul District,
Dindigul.
- 7.The Revenue Divisional Officer,
Kodaikanal
Dindigul District.



8.The Tahsildar,
Kodaikanal Taluk
Dindigul District.

9.The Commissioner
Kodaikanal Municipality
Dindigul District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct respondents 6 to 9 to remove the encroachment made by the respondents 4 and 5 in the pathway comprised in Survey No.123/Part and T.S.No.11 situated at Kodaikanal, Dindigul District in the light of the 8th respondent's proceedings in Na.Ka.No.949/2019/A2 dated 18.07.2019.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.Gupta and Ravi for R1, R2 and R4
Mr.M.Karthikeya Venkatahcalapathy
for R3
Mr.K.P.Krishnadoss for R6 to R8
Special Government Pleader
Mr.T.S.Mohammed Mohideen for R9

ORDER

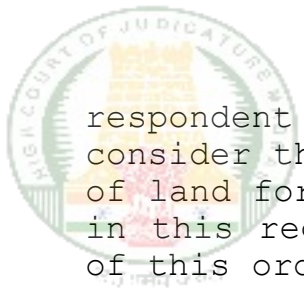
(Order of the Court was made by M.M.SUNDRESH, J.)

This is the second round of litigation filed by the petitioner. The grievance of the petitioner remains the same. According to him, the access to his property has been blocked by the respondent No.5.

2. We have perused the sketch, documents, counter affidavit filed and the proceedings of the Tahsildar, Kodaikanal dated 01.10.2019.

3. From the above, it appears that the land in S.No.4/3 absolutely belong to the respondent No.5. However, it appears that access to the land of the petitioner has been blocked. This entire extent of land has been given by the State Government in favour of the respondent No.5. The Tahsildar has also requested the respondent No.5 to consider the access on compassionate ground, so as to facilitate the petitioner to take men and material to his land situate in S.No.4/2 by using S.No.4/3.

4. We cannot issue a Mandamus to the respondent No.5, as the property is a private property and the petitioner cannot claim it as that of the Government. All that we can do is to once again ask the



respondent No.5, who is an instrumentality of the State, who would consider the case of the petitioner, so as to facilitate some extent of land for access to his property. A decision will have to be taken in this regard within six weeks from the date of receipt of a copy of this order.

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5. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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6.The District Collector
Dindigul District,
Dindigul.

7.The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

8.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

+1 CC to Mr.M.KARTHIKEYA VENKITACHALAPATHY, Advocate (SR-8475[F] dated 03/03/2021)

+1 CC to Mr.T.S.MOHAMED MOHIDEEN, Advocate (SR-8542[F] dated 03/03/2021)

+1 CC to Mr.T.LENIN KUMAR, Advocate (SR-8618[F] dated 04/03/2021)

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-8685[F] dated 04/03/2021)

+1 CC to M/s.GUPTA AND RAVI, Advocate (SR-8909[F] dated 04/03/2021)

Order made in
W.P. (MD) No.23096 of 2019
Dated: 03.03.2021

SSS (CO)
SRS (17/03/2021) 4P : 14C