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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.NO.19952 OF 2013

AND

M.P.NO.1 OF 2013

M.Govindasamy

... Petitioner

.Vs.

1. The Commissioner,
The Hindu Religious & Charitable
Endowments Department,
Uthamar Gandhi Adigal Salai,
Nungambakkam, Chennai.
2. The District Collector,
The office of District Collector,
Villupuram, Villupuram District.
3. The Revenue Divisional Officer, (RDO),
Office of Revenue Divisional Officer,
Villupuram District.
4. The Tahsildar,
Gingee,
Villupuram District.
5. The Joint Commissioner,
The Hindu Religious & Charitable
Endowments Department,
Villupuram,
Villupuram District.
6. The Assistant Commissioner,
The Hindu Religious & Charitable
Endowments Department,
Villupuram, Villupuram District.
7. The Assistant Commissioner/Executive Officer,
Angalamman Koil,
Melmalaiyanur Village,
Gingee Taluk,
Villupuram District.



8. Chinnathambi Poosari,
The President,
The Board of Trustees of the
Angalamman Koil Trust,
Melmalaiyanur Village,
Gingee Taluk,
Villupuram District.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents to consider the petitioner's representation dated 29.06.2013 for requesting the temple authorities to construct the compound wall as per the approved plan and not to put up any staircase in the only passage available for the Petitioner from the village to the Petitioner's land.

For Petitioner : Mr.V.R.Appaswamee
For RR 1, 5, 6 & 7 : Mr.N.R.R.Arun Natarajan
Special Government Pleader
For RR 2, 3 & 4 : Mr.S.Ravikumar
Special Government Pleader
For R8 : No appearance

O R D E R

This Writ Petition is filed for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 29.06.2013 for requesting the temple authorities to construct the compound wall as per the approved plan and not to put up any staircase in the only passage available for the petitioner from the village to the Petitioner's land.

2. The petitioner is a resident of Melmalaiyanur Village. He and his family are having agricultural lands in Survey Nos.75/5 to 75/11 in Melmalaiyanur Village and doing cultivation in their land. There is a famous Angalamman Temple situated near the land of the petitioner. The petitioner and other land owners are using the Kodukkan Kuppam Salai to reach their land to take the agricultural products and to bring the cattle. While so, the 7th respondent constructed three commercial complex between the land of the petitioner and the Kodukkan Kuppam Salai Road and



prevented the petitioner and other general public to use the road. Due to the protest made by the petitioner and others, they have left 10 feet passage in two places between the three commercial complex and petitioner and other villagers are using the two passages to reach their land. According to the petitioner, the respondents 7 & 8 are not constructing the compound wall as per approved plan and in the approved plan, a way is provided for petitioner and other residents of the village to reach their land. The respondents 7 & 8 blocked the said way and constructed a commercial complex. The petitioner and others are using the passage between the three commercial complex. While so, the respondents 7 & 8 are trying to construct a stair case in the said passage by blocking the way, which is used by the petitioner and others. Therefore, petitioner gave a representation dated 29.06.2013 to the District Collector, Villupuram District requesting the authorities to direct the respondents 7 & 8 to construct the compound wall as per the approved plan. Since no order is passed on the said representation dated 29.06.2013, the petitioner has come out with the present Writ Petition.

3. At the time of hearing the Writ Petition, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for the respondents 1, 5, 6 & 7 submitted that there is an alternative passage available to the petitioner and others to reach their land.

4. In reply, the learned counsel appearing for the petitioner submitted that the alternative passage mentioned by the 7th respondent runs through patta land of other land owners and petitioner cannot use the said passage and prayed for allowing the Writ Petition.

5. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for respondents 1, 5, 6 & 7 and respondents 2, 3 & 4 and perused the entire materials on record.

6. From the above materials, it is seen that the petitioner is seeking a direction to the respondents 1 & 2 to direct the respondents 7 & 8 to construct the compound wall as per the approved plan and not to put up stair case in the only passage available for the petitioner. At the time of admission of the Writ Petition, this Court by the order dated 23.07.2013 granted interim order directing the respondents 7 & 8 to put up construction only as per the approved plan. The respondents 7 & 8 have not filed any appeal or filed any application to vacate the interim order granted. They have also not filed any counter affidavit even though the Writ Petition is of the year 2013.



7. Considering the above materials, the petitioner is directed to send a copy of the representation dated 29.06.2013 addressed to the District Collector, Villupuram District, Villupuram to the 1st respondent herein, enclosing a copy of the order within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation along with the copy of the order, the respondents 1 & 2 are directed to consider the representation of the petitioner dated 29.06.2013 and pass orders on merits, taking into consideration the approved plan and interim order of this Court dated 23.07.2013, within a period of four weeks thereafter.

8. With the above directions, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
The Hindu Religious & Charitable
Endowments Department,
Uthamar Gandhi Adigal Salai,
Nungambakkam, Chennai.
2. The District Collector,
The office of District Collector,
Villupuram, Villupuram District.
3. The Revenue Divisional Officer, (RDO),
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4. The Tahsildar,
Gingee,
Villupuram District.
5. The Joint Commissioner,
The Hindu Religious & Charitable
Endowments Department,
Villupuram,
Villupuram District.



6. The Assistant Commissioner,
The Hindu Religious & Charitable
Endowments Department,
Villupuram, Villupuram District.

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7. The Assistant Commissioner/Executive Officer,
Angalamman Koil,
Melmalaiyanur Village,
Gingee Taluk,
Villupuram District.

+3ccs to Mr.V.R.Appaswamee, Advocate, S.R.No.15456

+1cc to the Special Government Pleader, S.R.No.15884

W.P.NO.19952 OF 2013

SKM(CO)
PBS/01/04/2022