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W.P.No.21831 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21831 of 2022

And

W.M.P.No.20853 of 2022

T.M.Vedachalam

... Petitioner

Vs.

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Tahsildar,
Poonammalle Taluk,
Poonammalle,
Tiruvallur District.

3.The Executive Officer,
Tirumazhisai Town Panchayat,
Tiruvallur District – 600 124.

4.The Block Development Officer,
Poonamallee Panchayat Union,
Poonamallee,
Tiruvellore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the impugned order passed by the first respondent herein in his proceeding R.C.No.19199/

1/6



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2022/N1 dated 30.07.2022 and quash the same and consequently direct the respondents to shift the fencing after leaving the bund road to an extent of 500 mts. for the purpose of ingress and egress in to the petitioner's agricultural lands in Survey Nos.34, 35, 36/1,2,3, 37/1, 42/2, 64, 66/1,2, 67, 68 and 69/1,2 in Udayaver Koil Village, Poonammalle Taluk, Tiruvallur District to alongside the lake or in the alternate direct the respondents to lay down the approach road to the petitioner to reach his lands for the purpose of cultivation.

For Petitioner : Mr.K.Raja

For Respondents : Mr.T.K.Saravanan for R1 and R2
Government Advocate
Mr.G.Nanmaran for R3 and R4
Special Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the impugned order passed by the first respondent in his proceedings R.C.No.19199/ 2022/N1 dated 30.07.2022 and quash the same and consequently direct the respondents to shift the fencing after leaving the bund road to an extent of 500 mts. for the purpose of ingress and egress in to the petitioner's agricultural lands in Survey Nos.34, 35, 36/1,2,3, 37/1, 2/6



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42/2, 64, 66/1,2, 67, 68 and 69/1,2 in Udayaver Koil Village, Poonammalle Taluk, Tiruvallur District, to alongside the lake or in the alternate direct the respondents to lay down the approach road to the petitioner to reach his lands for the purpose of cultivation.

2.The case of the petitioner is that the petitioner is the owner of the subject property and he is doing organic farm in the said lands. Abutting the said lands, Kolappanchery lake is situated and there is a bund road to maintain the said lake and the petitioner and other agriculturists are using the bund road to reach their respective lands and for running tractors and paddy crop machine for loading and unloading agricultural materials and cutting the crops. Since the respondents wanted to close down the said bund road, the petitioner made representation to respondents 1 and 2 and since there was no fruitful response, he filed W.P.No.972 of 2022 before this Court and pursuant to the order of this Court dated 27.01.2022 made in the said writ petition, the present impugned order came to be passed. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted



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that the petitioner will utilize the bund road only for agricultural purpose and will not damage the bund road and will maintain the bund road in its original condition and further submitted that the petitioner has filed an affidavit undertaking as follows:

"5. I humbly submit that I hereby undertake that I will use/ utilize the bund road for the purpose of carrying agricultural operation only in Survey Nos.34, 35, 36/1,2,3, 37/1, 42/2, 64, 66/1,2, 67, 68 and 69/1,2 in Udayaver Koil Village, Poonammalle Taluk, Tiruvallur District. In the event of conversion of agricultural land to any other purpose, I would not use/ utilize said bund road."

4.Perusal of the status report filed by the first respondent reveals that the petitioner has to use the bund road or the patta lands owned by other land owners to reach his lands and he cannot reach his lands directly.

5.In view of all the above, this Court permits the petitioner to use the bund road only to carry on agricultural activities and issues the



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following directions:

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(i)The petitioner is directed to use the bund road only to carry on agricultural activities and no other commercial activities will be carried out.

(ii)If the petitioner petitioner violates the above condition, liberty is granted to the second respondent/ The Tahsildar, Poonammalle Taluk, to initiate appropriate proceedings as against the petitioner.

6.The impugned order passed by the first respondent in his proceeding R.C.No.19199/ 2022/N1, dated 30.07.2022, is modified with the above directions.

7.The writ petition is allowed in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

27.10.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



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M.DHANDAPANI,J.
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To

- 1.The District Collector,
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Poonammalle,
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