



WEB COPY



W.P.No.26133 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.26133 of 2022
and W.P.No.25212 of 2022

K.S.Mohan

.... Petitioner

-Vs-

1.The Director

Department of Agriculture Marketing
and Agri Business, Guindy, Chennai-600 032.

2.The District Collector

Office of the District Collector
Collectorate, Thiruvallur.

3.The Deputy Director of Agriculture

Agri Business, Department of Agriculture
and Agri Business, Thiruvallur.

4.The Executive Engineer

Tamil Nadu State Agricultural Marketing Board
Guindy, Chennai 600 032.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to provide passage / pathway on the construction of Cold Storage and Drying yards in the land comprised in Survey No.160 situated at Kuthambakkam Village, Poonamallee Taluk, Thiruvallur District for ingress and egress for tractors and other modern machinery into the petitioner's lands comprised in Survey Nos.94/2, 153/2B, 156/1, 172/38, 172/54C3, 148/1A, and 172/4A situated at



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Kuthambakkam Village, Poonamallee Taluk, Thiruvallur District based on the petitioner's representation dated 05.07.2021 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.R.Ragavendran

For Respondents : Mr.E.Sundaram
Government Advocate – for RR 1, 3 & 4

Mr.R.Kumaravel,
Additional Government Pleader – for R2

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondents to provide passage / pathway on the construction of Cold Storage and Drying yards in the land comprised in Survey No.160 situated at Kuthambakkam Village, Poonamallee Taluk, Thiruvallur District for ingress and egress for tractors and other modern machinery into the petitioner's lands comprised in Survey Nos.94/2, 153/2B, 156/1, 172/38, 172/54C3, 148/1A, and 172/4A situated at Kuthambakkam Village, Poonamallee Taluk, Thiruvallur District based on the petitioner's representation dated 05.07.2021 within the time stipulated by this Court.

2. Learned counsel for the petitioner submits that for several years the petitioner had been using S.No.160, which is a Government land to reach the land belongs to the petitioner at Survey Nos.94/2, 153/2B, 156/1, 172/38,



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172/54C3, 148/1A, and 172/4A situated at Kuthambakkam Village, Poonamallee Taluk, Thiruvallur District. Therefore, in order to give a way ie., ingress and egress for the petitioner to reach his land at the above survey numbers, the petitioner has sent a representation dated 05.07.2021 to the respondent Department and in order to consider the same, the present writ petition has been moved.

3. fThis Court feels that the petitioner's right to have ingress and egress to his properties through the property of the respondent Department is nothing but easementary right, which has to be established by the petitioner by approaching the competent Court of Law. Hence, the petitioner cannot seek for a direction by way of a mandamus before this Court as sought for in this writ petition. The writ petition fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed. However, the petitioner is at liberty to approach the competent Civil Court to establish his rights.

29.09.2022

Index : Yes/No
Internet : Yes/No
KST

To



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R. SURESH KUMAR, J.

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