



W.P. No.29830 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No.29830 of 2022

Rasathi

... Petitioner

versus

1.The Government of Tamil Nadu,
rep. By its Secretary,
Adi Dravida and Tribal Welfare Department,
Fort St.George,
Chennai 600 009.

2.The District Collector,
Tiruppur District.

3.The Ruthravathi Town Panchayat,
rep. By its Executive Officer,
Ruthravathi, Kundadam Block,
Dharapuram Taluk, Tiruppur District

4.Sridhar

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India
praying for a Writ of Mandamus directing respondents 1 to 3 to remove

Page 1 of 6



W.P. No.29830 of 2022

the untouchability wall established in S.F.No.1076/1 in Podarampalayam Village in Ruthravathi Town Panchayat of Kundadam Block in Dharapuram Taluk, Tiruppur District by considering petitioner's representation dated 14.07.2021.

For the Petitioner :: Ms.Nandhini,
for Mr.N.Ponraj

For the Respondents :: Mr.P.Muthukumar,
State Government Pleader
respondents 1 to 3

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner has filed this writ petition praying for a Writ of Mandamus directing respondents 1 to 3 to remove the wall established in S.F.No.1076/1 in Podarampalayam Village in Ruthravathi Town Panchayat of Kundadam Block in Dharapuram Taluk, Tiruppur District, by considering petitioner's representation dated 14.07.2021.

2. Learned counsel for the petitioner would submit that the petitioner belongs to SC Community and she is a resident of



W.P. No.29830 of 2022

Podarampalayam East, Dharapuram Taluk, Tiruppur District. During the year 1992, petitioner and her community people were given free house site patta by the first respondent in S.F.No.1076/2A. At present, about 80 families are residing there. According to the petitioner, the families in the colony used to take pathway in S.F.No.1076/1 for reaching shops and fetching water. While so, the fourth respondent purchased about 4 acres of land in S.F.No.1076/1 and started constructing a wall measuring about 8 feet height and 250 feet length, in order to prevent the 80 families from using the pathway. Therefore, the petitioner made a representation on 14.07.2021 to respondents 1 and 2 to remove the wall. However, the same was not considered till date and hence, the present writ petition has been filed.

3. Though the learned counsel for the petitioner contended that the wall is put up in Government land, when this Court asked her to produce any document in support of her claim, the learned counsel could not produce any such document.

4. Mr.Muthukumar, learned State Government Pleader appearing for respondents 1 to 3 submitted that the fourth respondent after



W.P. No.29830 of 2022

purchasing about four acres of land in S.F.No.1076/1, has put up a wall in his private land in order to protect his own property. Therefore, the prayer sought for by the petitioner is maintainable.

5. Learned State Government Pleader has also produced a report dated 10.11.2022 sent by the third respondent. A perusal of the report shows that on inspection by authorities, it was found that the fourth respondent in S.No.1076/1B, 1077/14A2, 1077/15A2 and 1077/15B2, is developing house sites for an area of about 2.40 acre, and he has put up a wall to protect his property in S.No.1076/1.

6. Heard both sides. We are unable to appreciate the contentions raised by the learned counsel for the petitioner. The learned counsel has not produced any valid document to show that the wall put up by the fourth respondent is in the Government property. From the report sent by the third respondent, it is clear that the fourth respondent has put up a wall in his own property. Therefore, the prayer sought for by the petitioner in this writ petition is not maintainable. If the petitioner is so aggrieved, she has to work out her remedy before the competent civil court in the manner known to law.



W.P. No.29830 of 2022

7. The writ petition fails and the same is dismissed. No costs.

Consequently, WMP No.29220 of 2022 is also dismissed.

(T.R., ACJ.) (D.B.C., J.)
11.11.2022

Index: Yes/No
tar

To

1.The Secretary,
Adi Dravida and Tribal Welfare Department,
Fort St.George,
Chennai 600 009.

2.The District Collector,
Tiruppur District.

3.The Executive Officer,
Ruthravathi Town Panchayat,
Ruthravathi, Kundadam Block,
Dharapuram Taluk, Tiruppur District



WEB COPY



W.P. No.29830 of 2022

T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.

(tar)

W.P. No.29830 of 2022

11.11.2022