



W.P.No.8153 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.8153 of 2022
and W.M.P.No.8144 of 2022

Jothi Raja.K.

... Petitioner

VS.

1.The Principal Secretary/Member-Secretary
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Maligai,
No.1 Gandhi Irwin Road,
Egmore, Chennai 600 008

2.The Block Development Officer,
Panchayat Union Office,
Chitlapakkam

3.The Sub-Registrar Office,
Padappai,
Kancheepuram District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records of the impugned letter dated 24.09.2020 of the first Respondent in Letter Number.L1/7025/2019 and quash the same and consequently direct the respondents to pave the way to the Petitioner land.



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For Petitioner : Mr.M.K.Bhoopathy Rajan
M/s.Swaminathan Law Associates

For R1 : Mr.R.Sivakumar
Standing Counsel for CMDA

For R2 and R3 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

The writ petition is filed challenging the order passed by the 1st respondent rejecting the request of the petitioner to provide access to his agricultural land in S.No.129/4 in Mudichur Village.

2. According to the petitioner, he is a owner of the agricultural land comprised in S.No.129/4 situated at Mudichur Village, Tambaram Taluk, Kancheepuram District. It is stated that the eastern side of the petitioner's land is developed as a layout and the new layout blocked the access to the petitioner's land. Therefore, he submitted a representation to the 1st respondent requesting them to provide with an access to his property. The said representation came to be rejected by the 1st respondent by impugned order. Aggrieved by the same, the petitioner is before this Court.



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3. The learned counsel appearing for the petitioner tried to assail the order passed by the 1st respondent on the ground that at the time of approving the layout, the 1st respondent has not taken into consideration the convenient access to the adjacent properties namely the property of the petitioner.

4. It is seen from the impugned order the layout in question has been approved as early as 13.11.2009 and the roads proposed in the said layout have already been gifted in favour of the Local Body. The enlarged map of the layout as well as adjacent property produced in the typed-set of papers would suggest that there is a road in the layout leading to S.No.120 in Mudichur Village. The property of the petitioner lies on the northern side of S.No.120. The 1st respondent in the impugned order clearly stated that when S.No.120 is developed as a layout, the petitioner will have access to his land through the road formed in S.No.120.

5. As on today, the land in S.No.120 in Mudichur Village and the petitioner's land on the northern side namely S.No.129 are agricultural lands. The petitioner is having access to his agricultural land through the



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agricultural lands situated in S.No.120 and pacca road formed in the layout
in question.

6. In such circumstances, the objection raised by the petitioner, as if the newly approved layout completely blocked to his agricultural land cannot be accepted. In view of the above, this Court finds no reason to interfere with the impugned order passed by the 1st respondent.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

12.09.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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S.SOUNTHAR, J.

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