



WEB COPY



W.P. No.8281 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.8281 of 2023

and

W.M.P. No.8478 of 2023

K. Sujitha

...Petitioner

vs.

1. The Superintending Archaeologist,
Archaeological Survey of India,
Chennai Circle,
Fort St. George,
Chennai – 600 009.

2. The Conservation Assistant,
Archaeological Survey of India,
3B Parai Vattam
AVR Complex I Floor,
Alagapuram,
Salem – 636 016.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to grant vehicular access in the land of the petitioner's father Mr.Kalaivanan's comprised in T.S. No.119, Attur Town, for an extent of 18 feet [3 links of fencing] from the Thennankudipalayam – Attur Road.



W.P. No.8281 of 2023

For petitioner : Mr.V. Rajesh
For Respondents : Mr.R. Rajesh Vivekananthan
DSGI

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Mr.R. Rajesh Vivekananthan, learned Deputy Solicitor General, accepts notice for the respondents.

3. This writ petition has been filed for a Mandamus seeking for a direction to the respondents to grant vehicular access in the land of the petitioner's father Mr.Kalaivanan's comprised in T.S. No.119, Attur Town, for an extent of 18 feet [3 links of fencing] from the Thennankudipalayam – Attur Road.

4. It is averred that the petitioner earlier filed writ petition seeking vehicular access adjacent to her land, which was restricted due to fencing. Pursuant to directions issued by this Court on 22.03.2021 in W.P. No.15727 of 2020, the 2nd respondent provided access to an extent of 12 feet [2 links of fencing]. In such circumstances, she filed modification petition before this Court in W.M.P. No.23243 of 2021, seeking for another 6 feet [3 links of fencing]. It is further averred that owing to objections raised by the respondents therein, the relief sought



W.P. No.8281 of 2023

for in the modification petition has not been granted, however liberty has been granted to file a separate writ petition seeking for the said relief.

Aggrieved by the same, she filed writ appeal in W.A. No.1846 of 2022, which was dismissed by the Division Bench of this Court vide its Judgment dated 23.08.2022. Pursuant to the liberty granted earlier by this Court in W.M.P. No.23243 of 2021, dated 08.12.2021, the petitioner has filed this writ petition with the aforesaid prayer.

5. Learned counsel for the petitioner submits that due to fencing and insufficient extent of 12 feet provided by the respondents, the egress and ingress of the vehicular access to the petitioner's land have been restricted. He placed his submissions based on the sketch and argued that the petitioner is having title over the property in T.S. No.119, Attur Town. Hence, he submitted that, it would suffice if this Court issues direction to the respondents to consider the petitioner's grievance on par with one Kumaresan, who has been provided access of 25 ft, within a time frame that may be fixed.

6. Mr.R.Rajesh Vivekananthan, learned Deputy Solicitor General appearing for the respondents has no serious objection in granting such a direction to the respondents.

7. In view of the fair stand taken by the learned counsel on either



W.P. No.8281 of 2023

side, this Court, without going into the merits of the case, directs the petitioner to submit a fresh representation ventilating the aforesaid grievances to the respondents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, respondents are directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks thereafter on par with one Kumaresan.

8. With the above directions, the writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

16.03.2023

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
Neutral citation case : Yes / No
vsi2

To
1. The Superintending Archaeologist,
Archaeological Survey of India,
Chennai Circle,
Fort St. George,
Chennai – 600 009.

M.DHANDAPANI, J.



WEB COPY



W.P. No.8281 of 2023

vsi2

2. The Conservation Assistant,
Archaeological Survey of India,
3B Parai Vattam
AVR Complex I Floor,
Alagapuram,
Salem – 636 016.

W.P. No.8281 of 2023

16.03.2023