



W.P.No.14841 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR JUSTICE P.DHANABAL**

W.P.No. 14841 of 2023

R.Krishnamoorthy

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
The Revenue & Disaster Management Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The District Collector,
Collectorate Office,
Vengikkal, Tiruvannamalai-606 604.

3.R.Seenuvasan

4.P.Om Ezhilan

5.R.Annamalai

6.N.Ravichandran

7.Ganthalakshmi

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the representation dated 18.01.2023 and remove the unauthorized construction put up by the 3rd respondent blocking the public way.

For Petitioner : Mr.V.Raghavachari, Senior Counsel
for M/s.V.Srimathi

For Respondents : Mr.E.Vijay Anand,
Additional Government Pleader for R1 and R2

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The writ petition has been filed for a Mandamus directing the respondents 1 and 2 to consider the representation dated 18.01.2023 and remove the unauthorized construction put up by the 3rd respondent blocking the public way.

2. The case of the petitioner is that the respondents 4 to 7 and the petitioner own properties at T.S.No.2417/2, Tindivanam Road, Tiruvannamalai Town and there exists a 20 feet pathway, which is the only way of access to the petitioner's property. There also exists Government Poromboke Land situated on the western side of the property. During December, 2021, with a nefarious intention of taking possession of the Government Poromboke Land, situated on



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the west of the property and to acquire the petitioner's property, the third respondent has started constructing a compound wall, blocking the 20 feet pathway. The petitioner had also obtained an order of injunction in O.S.No.167/2022 and however, the third respondent is continuing with the unauthorized construction and therefore, he has filed the instant writ petition.

3. Mr.V.Raghavacharai, learned Senior Counsel for the petitioner submits that the petitioner has submitted a representation dated 18.01.2023 to the Chief Minister's Grievance Cell to remove the unauthorized construction put by the third respondent and the same is still pending and a copy of the same is also enclosed in the typed set of papers.

4. Mr.E.Vijay Anand, learned Additional Government Pleader would submit that the representation addressed to the Chief Minister's Grievance Cell would not confer any right to the writ petitioner seeking for a Mandamus under Article 226 of the Constitution of India and if the petitioner is being aggrieved, he shall make a representation to the authorities concerned.



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P.DHANABAL, J.

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5. Accepting the submission made by the respondents, the Writ Petition stands disposed of with liberty to the writ petitioner to make a fresh representation to the authorities concerned. If any such representation is filed, it is open to the respondents to act on the same in accordance with law. No costs.

(D.K.K., J.) (P.D.B., J.)
01.06.2023

Intex : Yes/No

Internet : Yes/No

Jvm

To

1.The Secretary,
State of Tamil Nadu,
The Revenue & Disaster Management Department,
Secretariat, Fort St.George, Chennai-600 009.

2.The District Collector,
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