



W.P.No.18618 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.18618 of 2023 and
W.M.P.Nos.17856 and 17858 of 2023

1. K.Kumaresan
2. K.Shanthi

.. Petitioners

-Vs-

1. The Collector,
Office of the District Collector,
Nallipalayam Post,
Namakkal.
2. The Tahsildar,
Konnaiyar Village,
Thiruchengode Circle,
Namakkal District 637 211.
3. The Block Development Officer,
Konnaiyar Village, Thiruchengode Circle,
Namakkal District 637 211.
4. The President,
Agharam Panchayath Elachipalayam Union,
Thiruchengode Circle,
Namakkal District 637 211.
5. Jeevantham
6. Shanmugam



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7. D.Kumar

8. M.Raghupathy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from denying access to petitioners to use Panchayat road in Survey No. 194/3J Elachipalayam Rajaganapati Road, Tiruchengode maintained by Agharam Panchayath.

For Petitioners : Mr.K.Raja

For Respondents : Mr.C.Selvaraj,
Additional Government Pleader
for R1 and R2

Mrs.S.Mythreye Chandru,
Special Government Pleader
for R1 to R4

ORDER

The Writ Petition has been filed, seeking mandamus, forbearing the respondents 1 to 4 from denying access to petitioners' use of Panchayat road in Survey No.194/3J, Elachipalayam Rajaganapati Road, Tiruchengode maintained by Agharam Panchayath.

2. According to the petitioners, the first petitioner is the owner of the land situated in Survey No.194/2 Agaram Village, Tiruchengode. On the



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southern side of the petitioner's property, there is a road called, Rajaganapathy Road situated in Survey No.194/3J and the same is maintained by the 4th respondent, Panchayat. While so, the respondents 5 to 8 who are the local residents, are preventing the petitioners from having access over the said road. Hence, this Writ Petition.

3. The learned counsel for the petitioner submitted that the road mentioned in the petition was maintained by the 4th respondent Panchayat. The respondents 5 to 8 are not having any right to prevent the access of the petitioner and the above said road has been approved by the Village Panchayat as Public Road and hence, the respondents 5 to 8 could not raise any objection regarding the usage of the same.

4. Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the land in survey No.194 /3 belongs to private individuals as per the Revenue Records and the road mentioned by the petitioner was not at all assigned to local body namely the 4th respondent Panchayat.



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5. In view of the statement made by the learned Special Government Pleader for the respondents 1 to 4 that the road in question has not been assigned in favour of the 4th respondent Panchayat, no relief can be granted to the petitioner in this Writ Petition. If the petitioners have any grievance against the private respondents viz., R5 to R8, it is open to them to work out their remedy before the Civil Court.

6. With the above observation, this Writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04.07.2023

vum

Index: Yes/No

Speaking order/Non Speaking order



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S.SOUNTHAR, J.

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