



WEB COPY



W.P.No.22119 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.22119 of 2023

S.Senthilkumar

...Petitioner

Vs.

1.The District Collector
Namakkal District.

2.The Thasildar
Office of Thasildhar, Rasipuram
Namakkal District.

3.The President
Kurukkupuram Panchayat, Kurukkuppuram Panchayat Office
Rasipuram Taluk, Namakkal District.

4.R.Rajeshkumar

5.R.Ramesh Kumar

6.P.Sathya

7.R.Sumathi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Mandamus, forbearing the third respondent from



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granting approval for the plots developed by the respondents 6 & 7 on their application dated 10.06.2023 by considering the objections made by the petitioner herein dated 01.07.2023.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mrs.S.Anitha for R1 & R2
Special Government Pleader

: Mr.C.Jayaprakash for R3
Government Advocate

ORDER

The petitioner herein seeks for issuance of a Writ of Mandamus, forbearing the third respondent from granting approval to the plots developed by the respondents 6 & 7 by considering his objections dated 01.07.2023.

2. According to the petitioner, he is the owner of the Plot No.146 sq.ft.,in S.F.No.56/1 at Balaji Nagar, Kurukkupuram, Rasipuram Taluk, Namakkal District. The sixth respondent, who is the owner of the adjacent land filed an application before the third respondent seeking approval of his layout in the name of Narashimma Nagar, which is located adjacent to the petitioner's approved layout namely, Balaji Nagar.



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3. In the application submitted by the sixth respondent, he claimed right of access to his layout through the road in the approved layout of the petitioner namely Balaji Nagar Layout. It is the case of the petitioner that he and other owners of the plots in Balaji Nagar Layout made objections to the claim made by the respondents 6 & 7. The third respondent without considering the objections made by the petitioner has instructed to give approval to the layout of the respondents 6 & 7 and therefore, the petitioner has come up with this Writ Petition.

4. Even as per the admitted case of the petitioner, the Balaji Nagar Layout is an approved layout. In such case, the road in the approved layout vests with the local authority and the person developing the layout in adjacent land are entitled to use the roads earmarked in the approved layout as an access to their layout. In such circumstances, the objections made by the petitioner is untenable and the same cannot be considered by the third respondent.



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S.SOUNTHAR, J.

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5. If at all, the petitioner has got any right to restrict the road access available to the general public in respect of the roads in Balaji Nagar Layout, it is for the petitioner to workout his remedy by filing an appropriate civil suit.

6. Accordingly, this Writ Petition is dismissed. No costs.

27.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna

To

1.The District Collector
Namakkal District.

2.The Thasildar
Office of Thasildhar, Rasipuram
Namakkal District.

3.The President
Kurukkupuram Panchayat, Kurukuppuram Panchayat Office
Rasipuram Taluk, Namakkal District.

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