



WP No.16835 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-03-2023

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

**WP No.16835 of 2017**

**And**

**WPMP Nos.20994, 20995 and 18283 of 2017**

Tamil Nadu Housing Board,  
Dweller's Welfare Association,  
Kondapuram Represented by its  
President P.Shanmugavelu,  
No.B15, M.B.T. Road,  
Kaveripakkam,  
Nemili Taluk,  
Vellore District.

.. Petitioner

vs.

1.The District Collector,  
Vellore District,  
Vellore.

2.The Tahsildar,  
Nemili Taluk,  
Nemili,  
Vellore District.



WP No.16835 of 2017

3.The Executive Engineer And  
Administrative Officer,  
Appellate Officer,  
Vellore Housing Branch,  
Tamil Nadu Housing Board,  
Vellore – 632 009.

4.Metha Nagar Dweller's Association,  
Represented by its President,  
Kaveripakkam,  
Nemili Taluk,  
Vellore District.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the first respondent to redirect the second respondent to close the way created by the second respondent on 28<sup>th</sup> February, 2017 by way of removing the stone pillar with barbed wire fence of the petitioner.

For Petitioner : Mr.S.V.Ramamurthy

For Respondents-1 and 2 : Mr.S.Ravichandran,  
Additional Government Pleader.

For Respondent-3 : Mr.D.Veerasekaran,  
Standing Counsel for TNHB.



WP No.16835 of 2017

## **ORDER**

WEB COPY

The relief sought for in the present writ petition is to direct the first respondent to redirect the second respondent to close the way created by the second respondent on 28<sup>th</sup> February, 2017 by way of removing the stone pillar with barbed wire fence of the petitioner.

2. The petitioner is the Tamil Nadu Housing Board Dwellers Welfare Association. The members of the petitioner-Association are allotted houses in Metha Naar and they are in occupation of their respective Dwelling Houses.

3. The grievance of the writ petitioner is that the Housing Board constructed barbed wire fencing covering the entire houses under the Housing Board Scheme and the said barbed wire fencing was removed by the Tahsildar for the purpose of providing access to the other residents, who all are residing outside the Housing Board Scheme.



WEB COPY

4. Once the Revenue Authorities found that it is the Public Road, no fencing can be put by up any person, The Public Roads are to be used by the general public and the petitioner-Association cannot seek any exclusive usage of public rights for their benefits.

5. The Tamil Nadu Housing Board has erroneously put up fencing in the public road and the said fencing was removed by the Tahsildar for the benefit of the public and for usage of public at large, who all are residing in the nearby locality.

6. This being the factum, te petitioner has not established any acceptable ground for the purpose of granting the relief, as such, sought for in the present writ petition.

7. Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.



WP No.16835 of 2017

**17-03-2023**

Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

Svn

To

- 1.The District Collector,  
Vellore District,  
Vellore.
- 2.The Tahsildar,  
Nemili Taluk,  
Nemili,  
Vellore District.
- 3.The Executive Engineer And  
Administrative Officer,  
Appellate Officer,  
Vellore Housing Branch,  
Tamil Nadu Housing Board,  
Vellore – 632 009.



WEB COPY



WP No.16835 of 2017

**S.M.SUBRAMANIAM, J.**

Svn

WP 16835 of 2017

17-03-2023