



W.P. No.42 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.42 of 2020

and

W.M.P. No.45 of 2020

1.P.Kalaivanan
2.J.Annakili
3.R.Kalavathy
4.P.Jayakodi
5.P.Gandhimathi
6.P.Thamarai

.. Petitioners

Vs

1.The Superintendent of Archeology,
Archaeological Survey of India,
St. George Fort,
Chennai - 600 009.

2.The Conservation Assistant,
Archaeological Survey of India,
No.34, Paraivattam,
Alagapuram,
Salem - 16.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to consider and pass



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orders on the petitioners representation dated 01.04.2019.

For petitioners	... Mr.A. Radhakrishnan
For respondents	... Mr.G.Karthikeyan, Standing counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider and pass orders on the petitioners representation dated 01.04.2019.

2. It is the case of the petitioners that they are brothers and sisters and they are owning certain acres of land in New No.119, Old No.393/3,4,5 and 391/4 in Attur Village, North side of Attur Fort trench. It is averred that the respondents planned to construct fencing wall adjacent to petitioners' lands, thereby obstructing pathway to their lands from the village road. Ventilating their grievance, they have submitted a representation to the 1st respondent on 01.04.2019, but without considering the same, the respondents put basement to fence the wall. Hence, the petitioners have filed this petition with the aforesaid prayer.

3. Heard the learned counsel on both sides.

4. The learned counsel for the petitioners fairly submitted that a person similarly placed like petitioners filed writ petition viz., W.P.



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No.15727 of 2020 and this Court by its order dated 22.03.2021 has disposed of the said petition and the operative portion of the said order reads as follows :-

6. For the foregoing reasons, this Court directs the 2nd respondent to comply with the undertaking given in paragraph No.9 of the counter affidavit filed before this Court, by removing the fence put up in front of Mr.Kalaivanan's property situated in survey No.119, Attur, to enable the petitioner to have vehicular access, adjacent to the petitioner's land, within a period of two weeks from the date of receipt of a copy of this order. With the aforesaid direction, this writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

5. Quoting the aforesaid directions made in said W.P. No.15727 of 2020, the learned counsel for the petitioner prays that similar order may be passed in this petition as well directing the respondents to consider the petitioners' case in the light of the orders of this Court within a time frame fixed by this Court.

6. Though learned Standing counsel appearing for the respondents opposed the contention of the petitioner by reiterating the contents of the counter affidavit, finally, he agrees for issuance of such a direction by this Court to the respondents in the above regard.



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7. Having regard to the above order passed by this Court, the relief granted therein can be extended to the petitioners herein. In view of the fair stand taken by learned counsel on either side, this Court without going into the merits of the case, directs the 1st respondent to consider the petitioners representation dated 01.04.2019 in the light of the order dated 22.03.2021 passed in W.P. No.15727 of 2020 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

10.04.2023

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
vsi2

To
1.The Superintendent of Archeology,
Archaeological Survey of India,
St. George Fort,
Chennai - 600 009.



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2.The Conservation Assistant,
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No.34, Paraivattam,
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