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W.P.No.36359 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

and

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.36359 of 2023

and

W.M.P.No.36345 of 2023

P.Balamurali

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Revenue (A1) Department,
Fort St.George,
Chennai - 600 009.

2. The District Collector,
Dharmapuri District,
Dharmapuri.

3. The Revenue Divisional Officer,
Dharmapuri Revenue Division,
Dharmapuri District.

4. The Tahsildar,
Palacode Taluk,
Dharmapuri,
Dharmapuri District.

... Respondents



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PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents and their subordinates from fencing the property in S.No.91 which is classified as "Road" adjacent to the petitioner property in S.No.90/1A situated at Erranahalli Village, Palacode Taluk, Dharmapuri District without due process of law by considering representation of the petitioner dated 09.12.2023.

For Petitioner : Mr.V.Sivaraman
For Respondents : Mr.M.Murali
Government Advocate

ORDER

(Order of the Court was made by
ABDUL QUDDHOSE. J.,)

This Writ Petition has been filed for a mandamus to forebear the respondents from fencing the property in S.No.91 which is classified as "Road" adjacent to the petitioner's property in S.No.90/1A situated at Erranahalli Village, Palacode Taluk, Dharmapuri District without following the due procedure established under law by considering the petitioner's representation dated 09.12.2023.

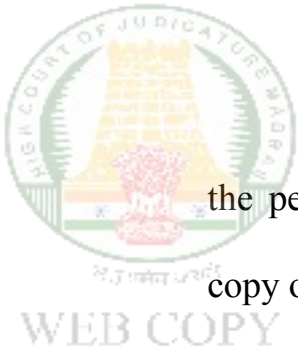


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2. The petitioner claims that he is the owner of the property in S.No.90/1A Erranahalli Village, Palacode Taluk, Dharmapuri District. According to him, there is a public road adjoining the petitioner's property. According to him, the respondents are attempting to put up a fence near the petitioner's property. If the said fence is put up by the respondents, the access for the petitioner's property will be lost. In such circumstances, the petitioner has given a representation to the respondents on 09.12.2023, requesting the respondents to remove the fence and also give an opportunity of hearing to the petitioner before doing any further work. According to the petitioner, till date, the representation has not been considered by the respondents.

3. No prejudice will be caused to the respondents if the petitioner's representation referred to supra is considered on merits and in accordance with law within a time frame to be fixed by this Court.

4. For the foregoing reasons, this Court directs the second respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 09.12.2023, after giving an opportunity of hearing to



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the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

5. With the aforesaid directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

(AQJ) (GAMJ)
28.12.2023

Index : Yes/No
Speaking Order : Yes / No
ab/rkm



W.P.No.36359 of 2017

To

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Revenue (A1) Department,
Fort St. George,
Chennai - 600 009.

2. The District Collector,
Dharmapuri District,
Dharmapuri.

3. The Revenue Divisional Officer,
Dharmapuri Revenue Division,
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4. The Tahsildar,
Palacode Taluk,
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Dharmapuri District.



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**ABDUL QUDDHOSE. J.,
and
G.ARUL MURUGAN.J.**

ab

W.P.No.36359 of 2023

28.12.2023