

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.476 of 2020
and
W.M.P.(MD) No.357 of 2020

R.Muthalagan

.. Petitioner

Vs.

- 1.The Principal Secretary to Government,
Public (Military) Department,
Fort St. George, Chennai.
- 2.The Additional Chief Secretary and
Commissioner of Land Administration,
Chennai-5.
- 3.The District Collector,
Thanjavur District,
Thanjavur.
- 4.The District Revenue Officer,
Thanjavur District,
Thanjavur.
- 5.The Senior Officer-in-charge Administration,
HQ Southern Air Command,
IAF, Akkulam,
Thiruvanthapuram.

6.The Defence Estates Officer,
Chennai Circle,
306, Anna Salai, Teynampet,
Chennai-18.

7.The Wing Commander and
Chief Administrative Officer,
Thanjavur.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to open the road to inathukanpatti villagers used to go their home till complete the rehabilitation proceedings vide G.O.M.S.No.148, Public (Military) Department, dated 23.02.2018 by the first respondent on the basis of the representation dated 06.01.2020.

For Petitioner : Mr.S.Venkatesan

For RR1 to 4 : Mr.D.Ghandiraj
Special Government Pleader

ORDER

This writ petition has been filed by the petitioner for the issue of a mandamus, directing the respondents to open the road to Inathukanpatti villagers to easily access their homes.

2. The writ petition though has been filed by the petitioner in his individual capacity, seeks to espouse the cause of 148 families of Inathukanpatti village. It is his contention that since his house is situate in an area falling within the control of the Air Force, his family members and the villagers are unable to enter their house or go out between 6 p.m. and 6 a.m., as they are permitted access only after a thorough checking by the Air Force officials. He would submit that therefore, they are forced to lead a life without freedom of movement. The petitioner would submit that the road, which is now under the control of Air Force authorities was the road that they have been using for over several years. However, the Air Force authorities have now brought in this restriction to movement. His representations have fallen on deaf ears and therefore, he is before this Court.

3. Respondents 5 and 7 have filed a counter affidavit, in which it is stated that the transition of civilians through the Air Field of the Air Force Station, Thanjavur is not in the best interest of national security and aerospace safety. That apart, the villagers have alternate access and

they are reluctant to use the same as it would take more time to travel. They further stated that the rehabilitation of the villagers by raising of the compensation for acquisition has been accorded top priority and these responsibilities have already been addressed by the third respondent. They had denied that the houses located in Inathukanpatti were being controlled and were under the supervision of the Air Force authority. The restriction is only towards the entry and crossing of the air field. Therefore, they sought to have the writ petition dismissed.

4. The District Collector, Thanjavur has filed a counter on behalf of respondents 1 to 4 in which he has also reiterated the fears expressed by respondents 5 and 7 that security would be compromised, if persons are permitted to use the Air Force Station as an access. That apart, the villagers already have an exit road, which connects the village to a mainstream town outside the Air Force perimeter wall. Therefore, the petitioner would not be put to any hardship except the fact that it is a circuitous road.

5. Heard the learned counsel on either side and perused the records.

6. The petitioner's access to the road has not been cut off by reason of the Air Force Station functioning there. The petitioner cannot seek to cut across the Air Force Station, as it is not in the interest of national security. Even according to the petitioner, the restriction is only between 6 p.m. and 6 a.m., that too, the villagers are permitted to use the pathway subject to the checking of the Air Force officials. Therefore, this Court finds that the petitioner is not aggrieved in any manner and consequently, this Writ Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

abr

P.T.ASHA, J.

abr

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