



W.P(MD)No.9745 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.9745 of 2023

A.Velu

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
- 3.The Inspector of Police,
Dindigul South Police Station,
Dindigul.
- 4.The Assistant Divisional Engineer,
Highways (Construction and Maintenance),
State Highways Department,
Dindigul Division,
Dindigul.
- 5.The Commissioner,
Dindigul City Municipal Corporation,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third



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respondent herein to remove the fencing covering the police outpost in T.S.No.813, Ward No.5, situated at Roundana, Bharathipuram, Mettupatti Road, Dindigul District, by considering the petitioner's representation dated 03.04.2023 within a time stipulated by this Court.

For Petitioner : Mr. M.Arun Srivastava
For R1 to R4 : Mr. B.Nambiselvan
Additional Public Prosecutor
For R5 : Mr.M.Thirunavukkarasu

ORDER

The writ petitioner filed this Writ Petition seeking issuance of a Writ of Mandamus, directing the third respondent herein to remove the fencing covering the police outpost in T.S.No.813, Ward No.5, situated at Roundana, Bharathipuram, Mettupatti Road, Dindigul District, by considering the petitioner's representation dated 03.04.2023 within a time stipulated by this Court.

2. Now the grievance of the petitioner is that he has put up a Aavin booth in the road margin, after getting proper permission from the fifth respondent. But now the fifth respondent has intimated the petitioner that he has to approach the Highways Department for appropriate permission,



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who is the fourth respondent herein. In respect of the above said property, a suit in O.S.No.162 of 2020 has also been filed by the petitioner against the respondents 4 and 5 before the Principal District Munsif Court, Dindigul. Pending the above said suit, now the allegation is that the third respondent has put up fencing blocking the pathway to the Aavin booth that is put up by the petitioner.

3. The learned counsel for the fifth respondent would submit that fencing has been made covering the Police out post. It is not blocking the road to the Aavin booth.

4. The photograph that has been filed by the petitioner also shows that there is some gap between the two stone pillars.

5. Again, the grievance that is expressed by the petitioner is that the above said gap is also occasionally and frequently closed by the third respondent.

6. Since the suit is also pending before the concerned Court, the petitioner is at liberty to workout his remedy by impleading the third



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respondent as a party in the above said pending suit. Since the suit is pending, no police protection can be granted to the third respondent herein to remove the above said fence. In fact, it is not blocking the pathway to the Aavin booth, put up by the petitioner.

7. With the above said liberty, this Writ Petition stands disposed of.

25.04.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

Indu



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WEB COPY

To

- 1.The District Collector,
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Dindigul.
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Dindigul District.
- 3.The Inspector of Police,
Dindigul South Police Station,
Dindigul.
- 4.The Assistant Divisional Engineer,
Highways (Construction and Maintenance),
State Highways Department,
Dindigul Division,
Dindigul.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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G.ILANGO VAN, J

Indu

Order made in
W.P(MD)No.9745 of 2023

Dated :25.04.2023