



W.P.(MD)No.17806 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.17806 of 2021

and

W.M.P.(MD)No.14684 of 2021

A.Jayaseelan

... Petitioner

vs.

1.The District Collector,
Office of the Dindigul District Collector,
Velunatchiyar Valagam, Dindigul.

2.The Additional Director of Panchayat,
O/o. the Additional Director of Panchayat,
Dindigul Collector Office Campus,
Velunatchiyar Valagam, Dindigul.

3.The Block Development Officer,
Office of the Nilakottai Block Development Officer,
Nilakottai, Dindigul District

4.The President,
Office of the Kottur Village Panchayat,
Kottur Village, Nilakottai Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to



W.P.(MD)No.17806 of 2021

provide ingress and egress to us to reach our property in S.Nos.229/1B1, 1B3 and 2A of Kottur Village, Nilakottai Taluk, Dindigul District by removing the solid wastes and sand fills, which are purposefully put up in front of our gate by the 4th respondent.

For Petitioner :Mr.N.S.Karthikeyan
For Respondents :Mr.B.Saravanan
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to provide free ingress and egress to the petitioner to reach his property in S.Nos.229/1B1, 1B3 and 2A of Kottur Village, Nilakottai Taluk, Dindigul District.

2.When the matter came up for hearing on 08.11.2023, this Court has passed the following order:

“When the matter was taken up for hearing on 04.10.2021, this Court has passed the following order:

“The petitioner seeks a direction to provide access to his property bearing S.Nos.229/1B1, 229/1B3 and 229/2A at Kottur Village, Nilakottai Taluk, Dindigul District.

2. The petitioner cites both title and revenue records in his favour and contends that the fourth respondent has dumped garbage in such manner as to impede ingress and egress to and from his property.

3.Mr.K.S.Selva Ganesan, learned counsel for the State,



WEB COPY



W.P.(MD)No.17806 of 2021

accepts notice for respondents 1 and 2 and Mr.R.Ghandhiraj, learned counsel, accepts notice for the third respondent. Prima facie, it appears that the petitioner is the owner of the relevant properties and, therefore, is entitled to access such properties.

4.The State is directed to obtain instructions and report as to whether the said access has been restored.

5.Let the matter appear on October 25, 2021.”

2.When the matter was taken up for hearing on 07.01.2022, this Court passed the following order:

“I will keep this Writ Petition pending.

2. The Writ Petition was filed originally raising a grievance against the respondents particularly the third and fourth respondents/ Block Development Officer, Nilakottai Block Development Office in Dindigul District and the President, Kottur Village Panchayat again in Nilakottai Taluk in Dindigul District to remove the solid wastes and sand fills which had been put up in front of the gate of the petitioner in the property in Survey No.229/1B1, 1B3 and 2A at Kottur Village, Nilakottai Taluk, Dindigul District.

3. The petitioner had the benefit of the issue examined by my learned predecessor who by an order dated 04.10.2021 had directed removal of aforesaid solid wastes and sand fills and to inform this Court. The grievance now is that in the process of removing the said solid wastes and sand fills, the respondents appear to have put up a water tank and now claim that it is required for the benefit of general public. That fact that they are going to put up the water tank was not informed to my learned predecessor and there is no record of the same having been informed to the learned Single Judge.

4. Be that as it may, the photographs now presented by the learned counsel for the petitioner shows that there is a huge mound of red sand which had been put up and this naturally prevents even the opening of the door. The door is also not a pucca door but a make shift arrangement put by the petitioner.

5. A direction is therefore given in the first instance to the third and fourth respondents to remove that particular mound of sand and make it possible for the petitioner to open the door, close the door and to make repairs the door and put up a proper door which he is legally entitled to do so. Let a report in this



W.P.(MD)No.17806 of 2021

particular regard be filed before this Court.

6. Call the matter once again on 11.02.2022. The issue of the water tank can be taken up at that stage.”

3. When the matter is taken up for hearing today, the learned Government Advocate produced the written instructions given by the Block Development Officer, Nilakkottai. It is stated that the mound of sand was removed between 19.01.2022 to 20.01.2022. This written instructions was given on 29.01.2022 along with the photographs.

4. The learned counsel for the petitioner and the learned Government Advocate for the official respondents are directed to take instructions with regard to the present status of the property and report to this Court as to whether there is free access for the petitioner as on date.

5. List on 17.11.2023 under the caption 'for orders'.”

3. When the matter was taken up for hearing today, the learned Additional Government Pleader appearing on behalf of the respondents produced the written instructions received from the third respondent along with the photographs. On going through the same, it is seen that the petitioner has been provided with mud road to have free access to his property. The actual dispute seems to be between the petitioner and the fourth respondent, since the fourth respondent has now blocked the pathway by obstructing the same with thorny bushes spread across the pathway. In view of the same, even though the mud road is available to



W.P.(MD)No.17806 of 2021

the petitioner, he has been stopped from using it by the fourth respondent.

4.In the considered view of this Court, the fourth respondent is holding the position of a President of Panchayat and he is expected to spend his time and energy for the welfare of the Panchayat instead of indulging in a personal fight with the petitioner. The fourth respondent cannot be using his position to settle scores with individuals and the fourth respondent was not elected as a Panchayat President for involving in such frivolous activities.

5.In view of the above, there shall be a direction to the third respondent to ensure that obstruction, that has been put up by the fourth respondent, is removed and the petitioner is permitted to have free access in the mud road, that has been provided for ingress and egress to his property. It is made clear that the mud road, that is already available to the petitioner, shall be used by the petitioner without causing any further dispute.



W.P.(MD)No.17806 of 2021

WEB COPY

6.This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

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

17.11.2023

cmr

To

1.The District Collector,
Office of the Dindigul District Collector,
Velunatchiyar Valagam, Dindigul.

2.The Additional Director of Panchayat,
O/o. the Additional Director of Panchayat,
Dindigul Collector Office Campus,
Velunatchiyar Valagam, Dindigul.

3.The Block Development Officer,
Office of the Nilakottai Block Development Officer,
Nilakottai, Dindigul District

4.The President,
Office of the Kottur Village Panchayat,
Kottur Village, Nilakottai Taluk,
Dindigul District.

6/7



WEB COPY



W.P.(MD)No.17806 of 2021

N.ANAND VENKATESH, J.

cmr

W.P.(MD)No.17806 of 2021

17.11.2023