



W.P(MD)No.28905 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28905 of 2023

and

W.M.P.(MD)Nos.24933 of 2023

B.Malarvannan

... Petitioner

Vs.

1.The District Collector,
Pudukkottai.

2.The Block Development Officer,
Kunnandar Koil,
Pudukkottai.

3.The President,
Kulathur Panchayat and Taluk,
Pudukkottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents from putting up any construction adjacent on the eastern side of the S.No.40/1 and 41/1 situated in Kulathur Village, Kulathur Taluk, Pudukkottai obstructing the access to the petitioner's house and the Primary Health Centre and consequently direct the 3rd respondent to shift the proposal to some other place without hindrance to anyone.



WEB COPY



W.P(MD)No.28905 of 2023

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petitioner feels aggrieved by the ongoing construction of the fair price shop in the vicinity. The petitioner's apprehension is that his access rights may be seriously affected. He has therefore given a representation to the respondents. Since the authorities were indifferent to his concerns, the present writ petition came to be filed.

3. I had the benefit of perusing the photographs as well as the other materials produced on either side. The categorical stand of the respondent is that even if the construction comes up, still the petitioner's access rights will not be affected in any manner. The learned counsel for the petitioner in turn points out that if the proposed ration shop has its access opening out from the highways, then, the petitioner may not have any cause for complaint. But the manner in which the construction is now proposed is likely to cause him serious hindrance. After taking into account the rival contentions, I am of the view that so long as the petitioner's access rights are fully protected, the construction need not be interfered with nor its plan needs to be altered. However, to assure



W.P(MD)No.28905 of 2023

the same, the second respondent is directed to issue formal proceedings on the petitioner's representation by marking 20 feet wide pathway from the highways to his house. It is the duty of the respondents to keep this 20 feet pathway as "no parking zone" for all times to come. I take judicial notice of the fact that the persons visiting any public office or ration ship are in the habit of parking their vehicle right outside the same. The petitioner cannot be expected to pick up fight on a daily basis. It is therefore the duty of the respondents 2 & 3 in particular to install a board warning visitors / consumers that if their vehicles are parked and if any obstruction is made, it shall be removed without notice. The aid of the jurisdictional police shall also be taken. In other words, the access rights of the petitioner should be assured for all times to come.

4. With this direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.12.2023

Index : Yes / No
Internet : Yes/ No
rmi
To

- 1.The District Collector,
Pudukkottai.
- 2.The Block Development Officer,
Kunnandar Koil,
Pudukkottai.



WEB COPY



W.P(MD)No.28905 of 2023

G.R.SWAMINATHAN, J.

rmi

3.The President,
Kulathur Panchayat and Taluk,
Pudukkottai.

W.P(MD)No.28905 of 2023

08.12.2023