



W.P.No.3008 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:02.09.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P.No.3008 of 2024
and
W.M.P.No.3286 of 2024

P.Ganesan

.. Petitioner

/versus/

1.The District Collector,
Dharmapuri District,
Dharmapuri 636 705.

2.The Executive Engineer/
Administrative officer,
Tamil Nadu Housing Board,
Hosur Branch, Hosur,
Krishnagiri Distict.

3.The Block Development Officer,
Palacode Taluk,
Dharmapuri District.

4.The Superintendent of Police,
Dharmapuri District, Dharmapuri.

5.Inspector of Police,
Palacode Police Station,
Dharmapuri District.



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6.The Tashildhar,
Palacode Taluk,
Dharmapuri District 636 808.

7.Raji @ Rajammal
President of karagathahalli Panchayat,
Kadamadai, Palacode Taluk,
Dharmapuri District.

8.Pushparani

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents 4 and 5 providing police protection to demolish the compound wall constructed by the 2nd respondent for the purpose of safeguarding the Board properties and allottees situated in S.No.607/2 at Karakagathahalli Village, Palacode Taluk, Dharmapuri District.

For Petitioner :Mr.M.R.Elavarasan

For R1 to R6 :Mr.S.Udaya Kumar
Govt.Advocate (Crl.Side)

For R7 :Mr.C.Uma Shankar

For R8 :Mr.M.Selvam

ORDER

This writ petition is filed seeking Mandamus to forbear the respondents 4 and 5 for providing police protection to demolish the compound wall constructed by the 2nd respondent for the purpose of safeguarding the housing board property.



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2. The factual background of the case is that the subject compound wall was constructed by the Housing Board in the year 1973. When the Housing Board promoted a layout in Karamadai, Palacode Taluk, public roads were earmarked in the layout and donated to the panchayat. Due to efflux of time, land owners adjacent to the Housing Board lay out intended to promote their lands as layouts and to have access to their layout sought permission of the Panchayat to demolish the compound wall and to use the public road, which runs through the Housing Board Layout. By resolution, the Panchayat Board has permitted the petitioner and accordingly, when an attempt to demolish the compound wall was made, the petitioner herein, who is the one of the allottee of plot in Housing Board Unit, has come forward to challenge the same by way of writ petition.

3. There were an earlier round of writ petition for police protection as well as not to give protection. In this case, primarily the locus of the petitioner to prevent the public to have access to the panchayat road itself is questionable. The compound wall referred in this



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writ petition was constructed more than 45 years ago by the Housing Board, when there was no dwelling tenements nearby. For protection of the housing board houses, compound wall built. This compound wall cannot be perpetually remain, when the public road maintained by the panchayat need to be opened for the access to all the public.

4. The learned counsel appearing for the petitioner contends that if the private respondents have to access to their land, they need not use the public road passing through the housing board, but can take alternate route. The panchayat has prerogative to allow the road maintained by them for the use of general public. Availability of alternate access will not give a right to the petitioner herein to prohibit others from using the public road. As far as the general public, they are not claiming right over the property, they only claim right of access through the public road. The communication of the Block Development Officer to the Collector which relied by the petitioner to assert that the right was not granted to the private respondents to have access through housing board unit or right to demolish the wall, appears to be unsustainable. It is



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issued contrary to the resolution passed by the panchayat permitting the demolition of the compound wall to make the road open for free access to all the public.

5. For the said reasons, this Court finds that this Writ Petition filed with malafide intention, which will curtail the right of access to the public road and with devoid of merits. Hence, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is also closed. No costs.

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Index:yes/no

Neutral citation:yes/no

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- 6.The Tashildhar, Palacode Taluk, Dharmapuri District 636 808.
- 7.The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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