



W.P.No.14818 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.14818 of 2020

S.Chakkarai
...Petitioner

Vs.

1. The District Collector,
Office of the Collectorate,
Dharmapuri District - 636 705.
2. The Commissioner,
Hindu Religious and Charitable Endowment Board,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.
3. The Sub Collector,
Harur Taluk,
Dharmapuri District 636 903.
4. The Tahsildar,
Pappireddypatti Taluk,
Dharmapuri District 636 905.
5. Arulmigu Srimarriamman Temple,
H.Pudhupatti Village and Post,
Pappireddypatti Taluk,
Dharmapuri 636 903.
6. Arulmigu Senraya Swamy Temple,
H.Pudhupatti Village and Post,
Pappieddypatti Taluk,
Dharmapuri 636 903.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 16.09.2020 and direct the respondents 1 to 3 to take necessary steps to arrange proper pathway to the petitioner's agricultural land in their H.Pudhupatti Village, Pappireddypatti Taluk within a stipulated period.

For Petitioner	: M/s.S.Sujatha
For R1, R3 & R4	: Mr. G.Ameedious Government Advocate
For R2	: Mr.K.Karthikeyan Government Advocate (HR & CE)
For R5 & R6	: Mr.S.Sithirai Anandan

ORDER

The petitioner herein seeks a direction to the respondents to consider his representation dated 16.09.2020 and to take necessary steps to arrange proper pathway to the petitioner's agricultural land in their H.Pudhupatti Village, Pappireddypatti Taluk, within a time stipulated by this Court.

2. It is the case of the petitioner that he got ancestral properties with an extent of 7 acres in survey nos. 14/1, 17/10 and 16/1, H.Pudhupatti Village,



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Pappireddypatti Taluk. The petitioner has been using the property belonging to the respondents 5 and 6 to reach his agricultural lands. Since, the petitioner's right in the alleged access have been blocked, the petitioner submitted a representation dated 16.09.2020 before the official respondents seeking access to his land and the same has not been considered till date. Therefore, the petitioner is before this Court.

3. When the writ petition is taken up for hearing, the learned Government Advocate appearing for the second respondent on written instructions from the Assistant Commissioner HR & CE, in his proceedings Na.Ka.No.51/2021 dated 02.03.2023, submitted that the property of the temple mentioned by the petitioner in the representation is situated in survey No.69/1 was let out to the petitioner's son in open auction and therefore, as on today, the property in question is in possession of the lessee who is none other than the petitioner's son. As far as the pathway right for the petitioner is concerned the counsel submits that the petitioner all along with some others using the pathway. Whether the petitioner is entitled to right of access through the property of the respondents 5 and 6 is a question of fact, which cannot be decided in the writ petition.



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4. Therefore, it is for the petitioner to approach the Civil Court to establish his alleged pathway right. However, as on date, in the auction conducted by temple, the petitioner's son Mano became highest bidder. It appears that the subject property is under the control of the petitioner's son as a lessee.

5. In such circumstances, no further orders need to be passed in this writ petition. Accordingly, this writ petition is disposed of. No costs.

07.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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