



W.P.No.16480 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.16480 of 2024
and W.M.P.Nos.18046 and 18047 of 2024

Renuga

... Petitioner

VS.

1. The District Collector,
1 Floor, New Collectorate Building,
Vazhudavoor Road,
Pettaiyanchathiram,
Puducherry – 605 009.

2. The Tahsildar cum Chairman Administrative Advisory Committee,
101 Feet Road, Next to RTO Office,
Oulgaret Taluk,
Puducherry.

3. The Commissioner,
Oulgaret Municipality,
Puducherry.

4. The Field Surveyor,
Taluk Office, Oulgaret,
Puducherry.

5. Anbarasan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of



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India, to issue a Writ of Certiorari Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.348/Too/LG/E/2020, dated 11.02.2022 and quash the same as illegal and consequently, direct the 1st respondent to take action against the 5th respondent for the crime of untouchability and consequently direct the 2nd respondent to clear the obstructed common pathway.

For Petitioner : Mr.Lavanya Thirumalai

For Respondents : Mr.M.Nirmal Kumar
Government Advocate (Pondy)
for R1 to R4
Mr.K.S.Karthik Raja
for R5

ORDER

The petitioner herein seeks a Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.348/Too/LG/E/2020, dated 11.02.2022.

2. According to the petitioner, her husband purchased a property in S.No.106/2A/1 under sale deed dated 21.09.2011. The vendors of the petitioner's husband and her legal heirs also executed a settlement deed in respect of common land. The 5th respondent put up a wall in the

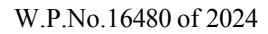


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common land and denied the ingress and egress of the petitioner to her house. Therefore, the petitioner made a complaint to the respondents 2 and 3 regarding the harassment meted out to the petitioner including the blockage of the access. The 3rd respondent enquired into the complaint made by the petitioner and filed a report before the second respondent and based on the report of the second respondent, the impugned order has been passed by directing the 5th respondent not to deny the right of passage available to the petitioner.

3. The learned counsel appearing for the petitioner submitted that there are obstructions in the common passage denying the right of access available to the petitioner and the second respondent has not passed any order for removal of the obstruction.

4. The learned Government Advocate (Pondicherry) appearing for the respondents 1 to 4 would submit that the second respondent Advisory Committee was constituted as per G.O.Ms.NO.104 (Department of Revenue and Disaster Management) dated 16.11.2007 and as per the terms of the Government Order, the scope and functions of the second respondent



Committee are only advisory in nature and it has no power to execute the order passed by it.

5. The learned counsel appearing for the 5th respondent by taking this Court to the impugned order submitted that the 5th respondent has been directed not to obstruct the access available to the petitioner and therefore, the petitioner is not at all aggrieved by the order.

6. Whether the 5th respondent had put up any obstruction in the passage and thereby restricted access to the property of the petitioner is a disputed question of fact which cannot be gone into conveniently in this writ petition. However, it is the case of the petitioner that the 5th respondent had put up construction in the pathway thereby denying the right of access. It is for the petitioner to explore the options available under law for removal of construction either by moving Civil Court or otherwise.

7. Therefore, the relief sought for in the writ petition cannot be



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granted and accordingly, the writ petition is dismissed with liberty to move the appropriate authorities. Consequently, connected miscellaneous petitions are closed. No costs.

08.08.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.



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