



W.P.No.27390 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.27390 of 2022 and
WMP.No.26597 of 2022

Govindaraj

... Petitioner

Vs.

1.The District Collector,
Krishnagiri
2.The General Manager, BII,
SIPCOT Limited,
19A Rukmani Lakshmipathi Road,
Egmore, Madras 8

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the second respondent to provide access to the petitioner through the lands in S.No.21 and 22 to the lands in S.No.58 to 62 and 133 of Parandapalli Village, Pochampalli Taluk, Krishnagiri District as per their proceedings No.Roc.No.90 of 2019 dated 19.06.2019.

For Petitioner : M/s.Srimathi V.

For Respondents

For R1 : Mr.E.Vijay Anand,
Additional Government Pleader

For R2 : Mr.G.Suresh Kumar,
Standing Counsel



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ORDER

This writ petition has been filed for direction to the second respondent to provide access to the petitioner through the lands comprised in survey Nos.21 and 22 to the lands comprised in survey Nos.58 to 62 and 133 situated at Parandapalli Vililage, Pochampalli Taluk, Krishnagiri District as per the proceedings dated 19.06.2019.

2. The petitions owns patta lands comprised in survey Nos.58 to 62 and 133 situated at Parandapalli Vililage, Pochampalli Taluk, Krishnagiri District. His land is locked and he has no way to access his land due to acquisition of the land of the second respondent for the purpose of establishing industrial centre. Before the acquisition, the petitioner used the property which was acquired by the second respondent as his pathway to access the petitioner's land. Therefore, the petitioner submitted representation to the respondents seeking pathway to reach his patta land. The pathway is situated in survey Nos.21 and 22.



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3. The learned counsel appearing for the petitioner would submit that after receipt of the representation through the Chief Minister Special Cell, the Special Tahsildar, Land Acquisition SIPCOT, Hosur accepted the grievance of the petitioner and also mentioned that pathway shall be provided.

4. On perusal of the counter filed by the second respondent, revealed that by the Government Order in GO.Ms.No.75 Industries (MIH-II) Department dated 03.03.1994, accorded administrative sanction for acquisition / alienation of 1378.20 acres in Balethottam, Parandapalli, Reddipatti and Olaipatti Villages for setting up of an industrial growth centre at Bargur. Those lands are patta lands and acquired on payment of compensation. While being so, the petitioner made representation seeking pathway in the land which was acquired by the second respondent. That apart, now the land which is required by the petitioner to use as pathway to access his land comprised in survey Nos.21 and 22, had been allotted in favour of M/s.OLA Cell Technologies Private Limited vide allotment letter dated 06.01.2021. Accordingly, lease deed



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was also executed in their favour on 18.01.2021 admeasuring 383.26 acres. Further, the said allottee also started construction activities in the said site. If at all the petitioner wants to use the land belongs to the second respondent to access his land, the petitioner has to pay one time service charges. However, the petitioner is not ready and willing to pay service charges. Therefore, the request made by the petitioner cannot be considered. As such, this writ petition is devoid of merits and liable to be dismissed.

5. Accordingly, this writ petition is dismissed. However, if the petitioner is ready and willing to pay maintenance charges as agreed by the second respondent, the second respondent is directed to consider the request made by the petitioner in accordance with law. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

20.06.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

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G.K.ILANTHIRAIYAN, J.

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