



W.P.No.28274 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM:

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

W.P.No.28274 of 2024

and

W.M.P.Nos.30813 & 30814 of 2024

Mahakavi Bharathiyar Tamil Nadu Housing

Board Residents Welfare Association,

Reg.No.159/2023

Rep. by its Joint Secretary,

Loganathan,

Tamil Nadu Housing Board,

Kadamadai, Erranahalli Post,

Palacode Taluk,

Dharmapuri District.

.... Petitioner

Vs

1. The District Collector and Inspector of Panchayats,
Dharmapuri District,
Dharmapuri – 636 705.

2. The Executive Engineer/
Administrative Officer,
Tamil Nadu Housing Board,
Hosur Branch, Hosur,
Krishnagiri District.

3. The Block Development Officer,
(Village Panchayat),
Palacode Panchayat Union,
Dharmapuri District.

4. The Tashildhar,



W.P.No.28274 of 2024

Palacode Taluk,
Palacode – 636 808.
Dharmapuri District.

5. The Panchayat President,
Karagathahalli Village Panchayat,
Palacode Panchayat Union,
Kadamadai, Palacode Taluk,
Dharmapuri District.

6. Raji @ Rajammal
President of Karagathahalli Panchayat,
Kadamadai, Palacode Taluk,
Dharmapuri District.

7. Pushparani Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned resolution dated 08.08.2022 and its consequential No Objection Certificate dated 06.09.2022 issued by the fifth respondent and quash the same and consequently forbear the respondents from demolishing the compound wall which has been constructed by the second 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.Jothimanian for Mr.M.Ragul Kousik
For R1 & R2	: Mr.N.Naveen Kumar Government Advocate
For R3 & R5	: Mr.S.Ravichandran Additional Government Pleader

ORDER



W.P.No.28274 of 2024

This Writ Petition has been filed challenging the resolution passed by the fifth respondent dated 08.08.2022 and consequential No Objection Certificate (hereinafter referred to as NOC) issued by the fifth respondent dated 06.09.2022 to demolish the compound wall and permit to use the road for general public.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The members of the petitioner were allotted their respective house plots under the DTCP approved plan No.LP/DTCP No.421/1993. After constructing their respective houses, a compound wall was constructed to safeguard their property. The road and other common area were handed over to the fifth respondent for maintenance, such as roads, water supply, drain and culverts, open space reservation and street lights, etc. The seventh respondent hold the property comprised in Survey No.606/2 adjacent to the petitioner's property and the said property has no pathway. Without any pathway, the seventh respondent intended to develop the agricultural land into the residential plots. Therefore, the seventh respondent, in order to get pathway,



W.P.No.28274 of 2024

influenced the sixth respondent and obtained NOC by passing resolution to demolish the compound wall pertaining to the petitioner to have access to her property and also showing the road of the Tamil Nadu Housing Board as access to her property. Accordingly, the seventh respondent demolished the entire compound wall and filed an application for layout approval for the land owned by her. Thereafter, it seems that the petitioner had constructed another compound wall and denied the access to the seventh respondent property.

4. A perusal of a report submitted by the third respondent dated 07.11.2023 reveals that as per the resolution and NOC issued by the fifth respondent, the compound wall was demolished by the seventh respondent and others. Thereafter, the petitioner sought for reconstruction of compound wall and also denied the permission to use the Tamil Nadu Housing Board road as an access to the seventh respondent property. In fact, after demolishing of the compound wall, the petitioner lodged a complaint and an FIR has been registered in Crime No.175 of 2023 for the offences under Sections 294(b), 447, 427 and 506(ii) of IPC as against the husband of the seventh respondent and others and it is pending for investigation. Thereafter, the petitioner had



W.P.No.28274 of 2024

constructed the compound wall. Now, the petitioner apprehends the demolition of the compound wall once again as per the resolution and the NOC issued by the fifth respondent. However, the said resolution and NOC were acted upon already. Therefore, the seventh respondent cannot demolish any compound wall as per the resolution dated 08.08.2022 and the NOC issued by the fifth respondent.

5. In view of the above, the first respondent is directed to conduct an enquiry, after issuance of notice to the petitioner and the sixth and seventh respondents and after giving an opportunity of hearing to them and pass orders on merits and in accordance with law in respect of permitting the seventh respondent to demolish the compound wall of the petitioner and using the Tamil Nadu Housing Board road as access to the seventh respondent's land within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed.
No costs.

24.09.2024



W.P.No.28274 of 2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Lpp

To

1. The District Collector and Inspector of Panchayats,
Dharmapuri District,
Dharmapuri – 636 705.

2. The Executive Engineer/Administrative Officer,
Tamil Nadu Housing Board,
Hosur Branch, Hosur,
Krishnagiri District.

3. The Block Development Officer,
(Village Panchayat),
Palacode Panchayat Union,
Dharmapuri District.

4. The Tashildhar,
Palacode Taluk, Palacode – 636 808.
Dharmapuri District.

5. The Panchayat President,
Karagathahalli Village Panchayat,
Palacode Panchayat Union,
Kadamadai, Palacode Taluk,

Dharmapuri District.

G.K.ILANTHIRAIYAN. J.

Lpp



WEB COPY



W.P.No.28274 of 2024

W.P.No.28274 of 2024

24.09.2024