



WEB COPY



W.P.No.28557 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28557 of 2024

And

W.M.P.No.31126 of 2024

- 1.Dr.T.Sivabhagyam
- 2.Dr.M.Harish Shanawaz
- 3.Dr.M.Haritha Shahnaz

... Petitioners

Vs.

- 1.The District Collector
Chennai.
- 2.The Revenue Divisional Officer
South Chennai,
Guindy, Chennai – 600 032.
- 3.The Tahsildar,
Sholinganallur Taluk,
Chennai – 600 119.
- 4.The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Rep. by its Chairman,
NPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.
- 5.The Assistant Executive Engineer,
The Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Sholinganallur,
Chennai.

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to either assign or provide right of way or access of a portion of land of minimum 30 Feet width in Survey No.286 of Sholinganallur Village and Taluk, Chennai District to the petitioners herein thereby enabling them to use the same for free ingress and egress to their lands comprised in Old Survey Nos.285/1A1, 285/1A2, Present New Survey No.285/1A2C and 285/1A2B of No.189, Sholinganallur Village, formerly in Tambaram Taluk, Kancheepuram District, presently in Sholinganallur Taluk, Chennai District from the TNHB Main Road and to directing the respondents 4 and 5 to provide temporary power supply for our lands comprised in Old Survey Nos.285/1A1 and 285/1A2, Present New Survey No.285/1A2C and 285/1A2B of No.189, Sholinganallur Village, formerly in Tambaram Taluk, Kancheepuram District, presently in Sholinganallur Taluk, Chennai District.

For Petitioner : Mr.M.Sivarthanan

For Respondents : Mr.J.Ravindran for R1 to R3
Additional Advocate General
Assisted By
Mr.A.Selvendran
Special Government Pleader
Mr.L.Jai Venkatesh for R4, R5

O R D E R

The petitioners have filed this writ petition seeking issuance of



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Writ of Mandamus directing the respondents to either assign or provide right of way or access of a portion of land of minimum 30 Feet width in Survey No.286 of Sholinganallur Village and Taluk, Chennai District to the petitioners thereby enabling them to use the same for free ingress and egress to their lands comprised in Old Survey Nos.285/1A1, 285/1A2, Present New Survey No.285/1A2C and 285/1A2B of No.189, Sholinganallur Village, formerly in Tambaram Taluk, Kancheepuram District, presently in Sholinganallur Taluk, Chennai District from the TNHB Main Road and directing the respondents 4 and 5 to provide temporary power supply for our lands comprised in Old Survey Nos.285/1A1 and 285/1A2, Present New Survey No.285/1A2C and 285/1A2B of No.189, Sholinganallur Village, formerly in Tambaram Taluk, Kancheepuram District, presently in Sholinganallur Taluk, Chennai District.

2.The learned counsel appearing for the petitioners submitted that there was a common pathway in S.No.286 and the Tamil Nadu Housing Board has developed the said common pathway into a 60 feet road in order to gain access to the multi storied building constructed and promoted by the Tamil Nadu Housing Board and since it affect th petitioners usage of the common pathway, the petitioners made



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representation to the respondents requesting them to assign a portion of the land in S.No.286 to use the same as pathway, however, there is no response.

3.The learned counsel appearing for the petitioners further submitted that it would suffice if this Court issue direction to the respondents to consider the petitioner's representation dated 15.04.2024 and to pass appropriate orders, within a reasonable time frame.

4.The learned Additional Advocate General appearing for the respondents 1 to 3 on instructions, submitted that without any pathway, the petitioners have purchased the property. If at all they have any grievance, they have to file suit against their vendor, including the Government.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The petitioners claim that there was a common pathway in S.No.286. However the respondents claim that there is no pathway.



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In view of the disputed question of fact the remedy available to the petitioners is before the competent civil Court, instead of approaching the civil Court, the petitioners have filed this writ petition, which is not sustainable one.

7.The writ petition is dismissed. However, liberty is granted to the petitioners to approach the competent civil Court for appropriate remedy. No costs. Consequently, the connected miscellaneous petition is closed.

25.10.2024

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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Chennai.

2.The Revenue Divisional Officer
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Guindy, Chennai – 600 032.

3.The Tahsildar,
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