



WEB COPY



W.P.Nos.31179 & 31180 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

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

W.P.Nos. 31179 & 31180 of 2022

Kushalchand Petitioner in
W.P.No.31179 of 2022

Gumanmal Petitioner in
W.P.No.31180 of 2022

Vs

1. The Joint Director of Health Services
the Nilgiris,
CP42+V29,
Upper Bazaar,
Ooty,
Tamil Nadu – 643 001.

2. The Dean,
Ooty Government Medical College,
Ooty,
Tamil Nadu – 643 001.

3. Assistant Engineer – PWD,
Building (C&M) Section Medical Works,
Garden Road,
Ooty,
Tamil Nadu – 643 001.

..... Respondents in both W.Ps

Prayer in W.P.No.31179 of 2022:- Writ Petition filed under Article 226
of Constitution of India for the issuance of Writ of Mandamus directing



W.P.Nos.31179 & 31180 of 2022

the respondents to consider the representation of the petitioner dated 27.09.2022 made to the respondents 1 and 2 and grant permission to the petitioner to use the road which is now handed over to the first respondent, situated in the land in Wenlockdown reserved forest, on foot and by vehicle along with his other family members, to access his house located Udhagamandalam Rural Village Survey No.4817/1A, New Survey No.A-7/2, subject to any reasonable conditions that the respondents may impose.

Prayer in W.P.No.31180 of 2022:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 27.09.2022 made to the respondents 1 and 2 and grant permission to the petitioner to use the road which is now handed over to the first respondent, situated in the land in Wenlockdown reserved forest, on foot and by vehicle along with his other family members, to access his house located Udhagamandalam Rural Village Survey No.4817/1 & Survey No.4817/1A subject to any reasonable conditions that the respondents may impose.

In both W.Ps

For Petitioners : M/s.S.Varsha

For Respondents : Mr.K.Tippu Sulthan
Government Advocate

COMMON ORDER

These Writ Petitions have been filed for a direction directing the respondents to grant permission to the petitioners to use the road,



W.P.Nos.31179 & 31180 of 2022

which is now handed over to the first respondent, situated in the land in Wenlockdown reserved forest, on foot and by vehicle along with his other family members, to access his house located Udhagamandalam Rural Village Survey No.4817/1A, New Survey No.A-7/2, and Survey No.4817/1 & Survey No.4817/1A.

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

3. A perusal of the counter filed by the second respondent reveals that a similar writ petition was filed before this Court in W.P.No.7406 of 2022 for usage of same pathway and this Court had disposed of that writ petition by an order dated 30.03.2022 and issued directions. Accordingly, temporary permission was granted to the said writ petitioners to use the same pathway in the diverted land for a distance of 75 feet along with the southern border of the Medical College Hospital campus.

4. As per the condition in the Government order in G.O.Ms.No.39, dated 18.06.2020, issued by the Environment and Forests



W.P.Nos.31179 & 31180 of 2022

(FR.10) Department the undersigned is not at liberty to provide access through the diverted land. However, considering the age of the petitioners and their permanent resident and also considering the absence of credible alternatives, the second respondent is willing to grant temporary permission by means of an agreement to use the pathway in the diverted land for a distance of 75 feet along with southern border of the Medical College Hospital campus for ingress and egress off Ooty-Gudalur Road until alternative arrangements made by the petitioner.

5. In view of the above, the second respondent is directed to permit the petitioners to use the road and also to execute an agreement to that extent within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, both the writ petitions stand disposed of. No costs.

27.06.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
Lpp



W.P.Nos.31179 & 31180 of 2022

To
WEB COPY

1. The Joint Director of Health Services
the Nilgiris,
CP42+V29,
Upper Bazaar,
Ooty,
Tamil Nadu – 643 001.
2. The Dean,
Ooty Government Medical College,
Ooty,
Tamil Nadu – 643 001.
3. Assistant Engineer – PWD,
Building (C&M) Section Medical Works,
Garden Road,
Ooty,
Tamil Nadu – 643 001.



WEB COPY



W.P.Nos.31179 & 31180 of 2022

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.Nos.31179 & 31180 of 2022

27.06.2024