



W.P.No.36485 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.36485 of 2023

Raji @ Rajammal

...Petitioner

Vs.

1.The District Collector,
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,
Palacode Taluk, Dharmapuri District.

4.The Superintendent of Police,
Dharmapuri District.

5.Inspector of Police,
Palacode Police Station,
Dharmapuri District.

6.The Tahsildar,
Palacode Taluk,
Dharmapuri District – 636 808.

...Respondents



W.P.No.36485 of 2023

Writ Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 20.11.2023 and 14.12.2023 by directing the Inspector of Police, Palacode Police Station to give police protection to the panchayat employees of Karagathahalli Panchayat Union in removing the compound wall of the Tamil Nadu Housing Board in order to form a public road connecting Survey No.606/2, Karagathahalli Village, Palacode Taluk, Dharmapuri District within a stipulated time.

For Petitioner : Mr.C.Umashankar
For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondent police to consider the representation made by the Panchayat President, who is seeking for police protection for removing the compound wall and to lay the Public road.

2. Heard Mr.C.Umashankar, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the



W.P.No.36485 of 2023

respondents.

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3. The case of the petitioner is that the Tamil Nadu Housing Board had developed plots and had allotted the same to various persons in the year 1993. The roads were left under the maintenance of Panchayat in the year 2001. Hence, the Housing Board had also constructed the compound wall around the area where the plots were developed. The further case of the petitioner is that an order was passed by this Court in WP No.5871 of 2023 on the writ petition filed by one Pushparani to consider her representation and to take appropriate action. This order was passed on 28.02.2023. Pursuant to the same, the said Pushparani approached the petitioner with a request that the road has to be formed for the usage of the general public. In view of the same, an inspection was made and it was found that a compound wall to the length of 9 meters was illegally constructed and thereby, an obstruction was made to use the common pathway.



W.P.No.36485 of 2023

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4. A complaint was made to the respondent police and an enquiry was also conducted by the Block Development Officer and the clarification sought for by the police was also given and all steps were taken to lay the road. When an attempt was made to lay the public road, it was prevented by a few persons in that area. The complaint that was given to the respondent police seeking for police protection also did not yield any response. It is under these circumstances, the present writ petition was filed before this Court.

5. The learned Additional Public prosecutor on instructions submitted that the panchayat wanted to lay the public road in the place that was ear-marked as a pathway. However, one Ravi had caused obstruction and he was also inducing others in the Housing Board plots to obstruct the laying of the road. There is a wall that has been put up by obstructing the pathway and if the same is cleared, the panchayat will be able to lay the public road to enable the persons living nearby to have access. The learned



W.P.No.36485 of 2023

Additional Public Prosecutor submitted that any directions issued by this Court will be complied with by the respondent police.

6. Taking into consideration the facts and circumstances of the case and the materials available on record, there shall be a direction to the 5th respondent to act upon the complaint / representation made by the petitioner on 14.12.2023 and provide necessary police protection in order to enable the panchayat to lay the road in the place designated as a pathway.

7. This Writ petition is disposed of with the above directions. No costs.

08.01.2024

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

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W.P.No.36485 of 2023

WEB COPY

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Dharmapuri District – 636 808.
- 7.The Public Prosecutor,
High Court of Madras.



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W.P.No.36485 of 2023

N.ANAND VENKATESH, J

rka

W.P.No.36485 of 2023

04.01.2024