



W.P.(MD)No.10566 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

CORAM:

**THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HON'BLE MR JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.10566 of 2024
WMP(MD)Nos.9590 and 9592 of 2024**

Smt.H.Usha

... Petitioner

vs.

- 1.The State of Tamil Nadu
Rep by its Chief Secretary to Government,
Secretariat, Chennai-600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Nungambakkam High Road,
Chennai-600 034.
- 3.The District Collector,
Dindigul District, Collectorate,
Dindigul-624 004.
- 4.The Revenue Divisional Collector,
Dindigul District, Spencer Compound,
Dindigul-624 001.
- 5.The Executive Officer / The Joint Commissioner,



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Arulmigu Dhandayuthapani Swamy Temple,
Palani, Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents to consider the grievances of the petitioner and to avoid any such measures proposed to be taken, under the guise of preventing encroachments in the 'Giri Vala Veethi' at Palani, to obstruct the petitioner's free ingress and egress to her patta lands at T.S.No.83 & 84, Door Nos.9 & 10 at Block No.2, Ward No.3 of the Palani Municipality and to provide free access to the petitioner and the occupants of her property in the 'Giri Vala Veethi' to reach her property using their vehicles and to pass such other orders.

For Petitioner : Mrs.N.Krishnaveni, Senior Counsel
for M/s.P.Thiyagarajan
For Respondents : Mr.P.Subbaraj, Special Government Pleader
for R1 to R4
Mr.R.Murali, Standing Counsel for R5

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

This Writ Petition has been filed for a Mandamus directing the respondents to consider the grievances of the petitioner and to avoid any such measures proposed to be taken, under the guise of preventing encroachments in the 'Giri Vala Veethi' at Palani, to obstruct the petitioner's free ingress and egress to her patta lands at T.S.No.83 & 84, Door Nos.9 & 10 at Block No.2, Ward No.3 of the Palani Municipality and to provide free access to the petitioner and the occupants



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of her property in the 'Giri Vala Veethi' to reach her property using their vehicles and to pass such other orders.

2. The case of the petitioner is that she owns properties at T.S. Nos. 83 of 84, Door Nos.9 & 10 at Block No.2, Ward No.3 of Palani Municipality, which is surrounded on three sides by third party owners, which makes only the North Girivala veedhi road the only pathway to the Petitioner's property, which the petitioner has let out to a tenant for a Commercial store in the name and style of "Balambiga Store".

3. The learned Senior Counsel for the petitioner submits that the petitioner and her occupants are denied free access to the property using the North Girivala veedhi road by the respondents by putting up barriers which obstruct the free ingress and egress to the property for the common public and the land owners and this leads to parking of vehicles of owners of property afar which makes it a suffering to carry goods for business purposes even in cases of medical emergency. It is further contended that the representation submitted to the Respondent's to redress their grievances was not addressed, instead the authorities



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are preparing to construct a permanent kerb wall, which would permanently deny the free access to her property. Hence the present Writ Petition has been filed with the aforesaid prayer.

4. The prayer in the writ petition is only to consider the grievances of the petitioner and to provide free access to the petitioner and the occupants of her property in the North 'Giri Vala Veethi' to reach her property using their vehicles. It is seen that the petitioner has not obtained any building plan approval for the building or permission to run the business either from the local municipality or other authorities and neither any record has been placed before this Court for obtaining building plan approval nor any averment has been made in the affidavit. In such circumstances, the prayer sought for by the petitioner cannot be granted.

5. The learned Standing Counsel for the Palani Devasthanam Board / fifth respondent submitted that the petitioner is having an alternative pathway behind the back of the shop to reach her property and without disclosing the same, the present writ petition has been filed. He further submitted that 3" Feet width is provided for the ingress and egress to the petitioner's shop.



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6. In view of the above submission made by the learned Standing Counsel for the Devasthanam Board, the petitioner may not have any grievance. If at all the petitioner is being aggrieved or seeking any additional space, it is open to the petitioner to approach the Monitoring Committee constituted by this Court by producing all relevant documents for having obtained building plan approval or permission to run the business.

7. The Writ Petition stands dismissed with the above liberty. No costs. Consequently, connected miscellaneous petitions are closed.

(D.K.K., J.) (R.V., J.)
27.06.2024

Intex : Yes/No
Internet : Yes/No
Jvm

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

Jvm

To
1.The Chief Secretary to Government,



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