



W.P.(MD)No.11010 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.11010 of 2024
WMP(MD)Nos.9806 & 9808 of 2024**

1.V.Baskaran

2.B.Sundar Moorthy

... Petitioners

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.



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5.The Executive Officer / The Joint Commissioner,
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 petitioners 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 petitioners' free ingress and egress to their patta lands at Sy.Nos.860/24A and 860/2B, measuring an extent of 4280 Sq.Ft. at the South Girivala Veedhi, Swamymalai Adivaram, Palani Town and to provide free access to the petitioners and the occupants of their property in the 'Giri Vala Veethi' to reach their property using their vehicles.

For Petitioners : 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 petitioners 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 petitioners' free ingress and egress to their patta lands at Sy.Nos.860/24A and 860/2B, measuring an extent of 4280 Sq.Ft. at



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the South Girivala Veedhi, Swamymalai Adivaram, Palani Town and to provide free access to the petitioners and the occupants of their property in the 'Giri Vala Veethi' to reach their property using their vehicles.

2. The case of the petitioners is that the Petitioners are the owners of the properties at S.Nos. 860/2A4 and 860/2B at the South Girivala Veedhi Road. They run a hotel, lodge and bakery in the name of “Sivagiri Inn” which is covered on three sides by patta land belonging to third parties, making the Girivala veedhi the only way to approach their properties. According to the petitioners, they are denied free access to their properties using the Girivala veedhi road, since there are barriers to their patta land, obstructing the free ingress and egress of the petitioner by use of cars or two wheelers, which is then compelled to be parked outside the Girivala veedhi road making it a suffering to transport goods for the business of the petitioners. The petitioners' representation submitted to the respondents were not considered, instead the authorities are preparing to construct a permanent kerb wall which would permanently deny the free access to their property. Hence this instant writ petition has been filed with the aforesaid prayer.



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3. Heard the learned Special Government Pleader for the respondents and also perused the materials available on record.

4. The prayer in the writ petition is only to consider the grievances of the petitioners and to provide free access to the petitioner and the occupants of their property in the south 'Giri Vala Veethi' to reach their property using their vehicles. It is seen that the petitioners have 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 petitioners cannot be granted.

5. The learned Standing Counsel for the Palani Devasthanam Board / fifth respondent submitted that the petitioners property is located in South Giriveethi, opposite to Rope Car Station near the Kodaikanal Check Post, within the distance of 100 meters. He also assured that the fifth respondent will provide three (3) feet space for the ingress and egress to the petitioners shop.



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6. The aforesaid submission made by the learned Standing Counsel for the Devasthanam Board is placed on record. If at all the petitioners are being aggrieved or seeking any additional space, it is open to the petitioners to approach the Monitoring Committee constituted by this Court by producing all relevant documents for having obtained building plan approval or permission obtained from any competent authority to run the business.

7. The Writ Petition stands dismissed with the above liberty. No costs. Interim order already granted by this Court stands vacated. 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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