



W.P.(MD)No.11012 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.11012 of 2024
WMP(MD)Nos.9813 & 9818 of 2024**

Smt.S.Sedipoun

... 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 Sy.Nos. 812/1B2, 812/2A2, 812/6B, 812/10B, 812/10C1, 814/13 and 814/9B, measuring an extent of 50 cents at East 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 Petitioner	: Mrs.N.Krishnaveni, Senior Counsel for M/s.P.Thiyagarajan
For Respondents	: Mr.Veerakathirvan, Additional Advocate General assisted by Mr.N.Satheesh Kumar, Additional Government Pleader for R1 to R4 Mr.R.Bharanidharan 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



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Vala Veethi' at Palani, to obstruct the petitioner's free ingress and egress to her patta lands at Sy.Nos.812/1B2, 812/2A2, 812/6B, 812/10B, 812/10C1, 814/13 and 814/9B, measuring an extent of 50 cents at East 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 petitioner is that she is the owner of the properties at Sy.Nos. 812/1B2, 812/2A2, 812/6B, 812/10B, 812/10C1, 814/13 and 814/9B at the Girivala Veedhi Road, covered on three sides by patta land belonging to third parties, making the Girivala veedhi the only way to approach her properties. According to the petitioner, she is denied free access to her property using the Girivala veedhi road, since there are barriers to her 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 petitioner. The representation submitted to the respondents to redress her grievances were not addressed, instead the authorities are preparing to construct a permanent kerb wall which would



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permanently deny the free access to their property. Hence this Writ Petition has been filed with the aforesaid prayer.

3. Heard the learned Additional Advocate General for the respondents 1 to 4 and also perused the materials available on record.

4. The prayer in the writ petition is only to consider the grievances of the petitioner and to provide free access to the petitioner property in the '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's property is adjoined to the Temple



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Tourist Bus Stand Iron Bollards and also assured that the fifth respondent will provide 3 feet width for the ingress and egress to the petitioner's properties. It is also reported by the learned Standing Counsel for the Devasthanam Board that local residents, who are in possession and enjoyment of patta lands abutting the Girivala Pathai are permitted to enter the Girivala Pathai using their vehicles during night hours for transportation, loading and unloading of goods for business purposes, however they are not entitled to park their vehicles in the Girivala Pathai.

6. The learned counsel for the petitioner further emphasised before this Court that Identity Cards may be issued to the landowners, residents and patta holders of lands abutting the Girivala Pathai. The learned Standing Counsel for the Devasthanam Board assured that if any such request is made from the landowners, they will consider and issue necessary identity cards based on the records produced and also accord necessary permission for entry of the petitioner's vehicles for transportation, loading and unloading of goods for business purposes during night hours, but they should not park the vehicles in the Girivala Pathai.



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7. The submission made by the learned Standing Counsel for the Devasthanam Board is placed on record. 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 any permission received from competent authority to run the business.

8. 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
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To
1.The Chief Secretary to Government,
The State of Tamil Nadu
Secretariat, Chennai-600 009.



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D.KRISHNAKUMAR, J.
and
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