



W.P.(MD)No.11014 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

CORAM:

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

**W.P.(MD)No.11014 of 2024
WMP(MD)Nos.9822 & 9825 of 2024**

Sri Gnanam alias Gnanapandithan

... 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,



W.P.(MD)No.11014 of 2024

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 at the property in his possession and enjoyment at T.S.Nos.79 & 80, North Giri Vala 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.Veerakathiravan, Addl. Advocate General
assisted by
Mr.N.Satheesh Kumar,
Additional Government Pleader
for R1, R3 & R4
Mr.N.R.R.Arun Natarajan,
Special Government Pleader for R2

Mr.R.Bharanitharan for R5

ORDER

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



W.P.(MD)No.11014 of 2024

WEB COPY

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 at the property in his possession and enjoyment at T.S.Nos.79 & 80, North Giri Vala 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 he is the owner of the properties at T.S.Nos.79 & 80, North Giri Vala Veedhi, Swamymalai Adivaram, Palani Town which is covered on three sides by patta land belonging to third parties, making the Girivala veedhi the only way to approach his properties. According to the petitioner, he is denied free access to her property using the Girivala veedhi road, since there are barriers to his 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



W.P.(MD)No.11014 of 2024

to redress his grievances were not addressed, instead the authorities are preparing to construct a permanent kerb wall which would permanently deny the free access to his property. Hence this Writ Petition has been filed with the aforesaid prayer.

3. Heard the learned Additional Advocate General 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 petitioner and to provide free access to the petitioner property in the North 'Giri Vala Veethi' to reach his 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 Itteri Road



W.P.(MD)No.11014 of 2024

WEB COPY

and leads to the Poonga Road and alternative pathway is available to have the ingress and egress to the petitioner's property and therefore, denied the averments made by the petitioner that there is obstruction to the free ingress and egress to the petitioner's property. He also assured that the fifth respondent will provide 3 feet width for the ingress and egress to the petitioner's shops.

6. 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 permission 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.



WEB COPY



W.P.(MD)No.11014 of 2024

(D.K.K., J.) (R.V., J.)
02.07.2024

Intex : Yes/No
Internet : Yes/No
Jvm

To

- 1.The Chief Secretary to Government,
The State of Tamil Nadu
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.

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

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- 5.The Executive Officer / The Joint Commissioner,
Arulmigu Dhandayuthapani Swamy Temple,



W.P.(MD)No.11014 of 2024

WEB COPY

Palani, Dindigul District.

W.P.(MD)No.11014 of 2024

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