



W.P.(MD)No.11952 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.11952 of 2024
WMP(MD)No.10640 of 2024**

N.P.Shanmugam

... Petitioner

vs.

- 1.The District Collector,
Dindigul District,
Dindigul-624 004.
- 2.The Executive Officer,
HR&CE,
Arulmigu Palani Dhandayuthapani Temple,
Palani.
- 3.The Revenue Divisional Officer,
Palani, Dindigul District.
- 4.The Taluk Executing Magistrate cum Tahsildar,
Palani, Dindigul District.
- 5.The Superintendent of Police,
Dindigul, Dindigul Distrit.
- 6.The Divisional Engineer Construction and Maintenance,



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Highways Department, Palani,
Dindigul District.

7.The Assistant Director,
Survey Department,
Dindigul District.

8.The Commissioner,
Palani Municipality,
Red Cross Road, 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 give wider pathway while constructing the permanent concrete wall structure on both sides of the Girivalaveedhi Road, Palani permitting the petitioner to use their vehicles for his ingress and egress to his shop in the patta land situated in S.No.84/1.

For Petitioner : Mr.C.P.Palanichamy
for Mr.R.Anandharaj

For Respondents : Mr.Veerakathiravan,
Additional Advocate General
assisted by
Mr.N.Satheesh Kumar,
Additional Government Pleader
for R1, R3, R4, R6 & R7
Mr.N.R.R.Arun Natarajan,
Special Government Pleader for R2

Mr.S.S.Madhavan, Government Advocate (Crl.Side)
for R5



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Mr.L.P.Maurya for R8

ORDER

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

This Writ Petition has been filed for a Mandamus directing the respondents to give wider pathway while constructing the permanent concrete wall structure on both sides of the Girivalaveedhi Road, Palani permitting the petitioner to use their vehicles for his ingress and egress to his shop in the patta land situated in S.No.84/1.

2. The case of the petitioner is that he owns a *Patta Land* in S.No. 84/1, which is abutting the Girivala Veedhi and for business reasons, the Petitioner has to transport the goods using four and three wheeler carriers, which has access only through Girivalaveedhi for ingress and egress of vehicles of the Petitioner. According to the petitioner, due to installation of bollards and check post, authorities are not allowing the petitioner to access his patta land using his two/four wheeler. The barrier guards prevent the customers from reaching the Petitioner's shop, which affects his business. Therefore, the petitioner has filed



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the instant writ petition seeking that the petitioner may be permitted to access his patta land using the Girivala veedhi, as it is the only way.

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 grievance of the petitioner and to provide free access to the petitioner's property/shop through the Girivalaveedhi. 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 /



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second respondent fairly stated before this Court if any such representation is placed before the Devasthanam Board by the petitioner seeking permission for entry of their vehicles, the same will be considered and appropriate orders will be passed. He further submitted that 3 Feet width will be provided for the ingress and egress for the petitioner's land/shop. The submission made by the learned Standing Counsel for the Devasthanam Board is placed on record.

6. In the light of the above, this Court permits the petitioner to make a representation to the Devasthanam Board within a period of two weeks from the date of receipt of a copy of this order, seeking permission for entry and exit of such vehicles and the same shall be considered by the Devasthanam Board and appropriate orders may be passed in accordance with law within a period of six weeks thereafter. It is also made clear that 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.



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7. The Writ Petition stands disposed of with the above liberty. No costs.

Consequently, connected miscellaneous petition is closed.

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

Intex : Yes/No
Internet : Yes/No
Jvm

To

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

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