



W.P.(MD)No.12326 of 2024

WEB COPY

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.12326 of 2024
WMP(MD)No.10918 of 2024**

S.B.Vimalapandian

... Petitioner

vs.

- 1.The Secretary to Government,
Tourism, Culture and Religious Endowment Department,
Chennai.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai-34.
- 3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.
- 4.The Executive Officer / Joint Commissioner,
Arulmigu Dhandayuthapaniswamy Temple,
Palani, Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,



W.P.(MD)No.12326 of 2024

WEB COPY

praying for a Writ of Mandamus forbearing the respondents from constructing the parapet wall in the road which is situated just adjacent to the property in Kuravanparai, Adivaram, Palani Town, Palani bearing Ward-3, Block-20, T.S.No. 865/11 admeasuring to an extent of 1450 Sq.Feet based on our oral representation to the respondent authorities.

For Petitioner : Mr.S.Madhavan

For Respondents : Mr.Veerakathiravan,
Additional Advocate General
assisted by
Mr.N.Satheesh Kumar,
Additional Government Pleader for R1

Mr.N.R.R.Arun Natarajan,
Special Government Pleader for R2 & R3
Mr.R.Bharanidharan for R4

ORDER

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

This Writ Petition has been filed for a Mandamus forbearing the respondents from constructing the parapet wall in the road which is situated just adjacent to the property in Kuravanparai, Adivaram, Palani Town, Palani bearing Ward-3, Block-20, T.S.No.865/11 admeasuring to an extent of 1450 Sq.Feet based on the oral representation to the respondent authorities.

2. The case of the petitioner is that he is the owner of the properties in



W.P.(MD)No.12326 of 2024

WEB COPY

Kuravanparai, Adivaram, Palani Town, Palani bearing Ward-3, Block-20, T.S.No. 865/11 admeasuring to an extent of 1450 Sq.Feet, 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 his 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 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 'Giri Vala



W.P.(MD)No.12326 of 2024

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 counsel for the petitioner, on instructions, seeks 5 feet width for the ingress and egress to the petitioner's shop to run their business.

6. The learned Standing Counsel for the Palani Devasthanam Board / fourth respondent submitted that the petitioner's property is adjoined to Kuravan Parai Road, however, he assured that the fourth respondent will provide 5 feet width for the entire building for the ingress and egress to the petitioner's shop.

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



W.P.(MD)No.12326 of 2024

documents for having obtained building plan approval or necessary permission/licence obtaining from the competent authority to run the business.

8. The Writ Petition stands disposed of 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.)
02.07.2024

Intex : Yes/No
Internet : Yes/No
Jvm

To
1.The Secretary to Government,
Tourism, Culture and Religious Endowment Department,
Chennai.

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

Jvm

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai-34.



W.P.(MD)No.12326 of 2024

WEB COPY

3.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.

4.The Executive Officer / Joint Commissioner,
Arulmigu Dhandayuthapaniswamy Temple,
Palani, Dindigul District.

W.P.(MD)No.12326 of 2024

02.07.2024