



W.P.(MD)No.12440 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.12440 of 2024
WMP(MD)Nos.11063 & 11065 of 2024**

- 1.Sivanesan
- 2.Dhanasekaran
- 3.Raveendran
- 4.Sidhanathan
- 5.Raghavan
- 6.Ashok Kumar
- 7.Saravana Kumar
- 8.Senthil Natarajan
- 9.Satheesh Kumar
- 10.Vijaya Kumar

... Petitioners

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,



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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, praying for a Writ of Mandamus forbearing the respondents 1 to 4 from constructing the parapet wall in the road which is situated just adjacent to the petitioners property in Ayyampuli Road, Block No.20, Swamimalai Adivaram, Palani Town, Palani bearing T.S.No.865/3, T.S.N.865/8, T.S.No.868/2, admeasuring an extent of 4503.1/2 Square feet based on our oral representation to the respondent authorities.

For Petitioners : 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.*]



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This Writ Petition has been filed for a Mandamus forbearing the respondents 1 to 4 from constructing the parapet wall in the road which is situated just adjacent to the petitioners property in Ayyampuli Road, Block No.20, Swamimalai Adivaram, Palani Town, Palani bearing T.S.No.865/3, T.S.N.865/8, T.S.No.868/2, admeasuring an extent of 4503.1/2 Square feet based on our oral representation to the respondent authorities.

2. The case of the petitioners is that they are the owner of the properties in in Ayyampuli Road, Block No.20, Swamimalai Adivaram, Palani Town, Palani bearing T.S.No.865/3, T.S.N.865/8, T.S.No.868/2, admeasuring an extent of 4503.1/2 Square 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, they are denied free access to their 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



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authorities are preparing to construct a permanent kerb wall which would 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 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 property in the 'Giri Vala Veethi' to reach their 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 petitioners 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.



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6. The learned Standing Counsel for the Palani Devasthanam Board / fourth respondent submitted that the petitioners property is adjoined to Ayyampulli Road and there is no alternative pathway to the petitioner's property, 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 documents for having obtained building plan approval or necessary permission/licence obtaining from the competent authority to run the business.

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

Jvm

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



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