



W.P.(MD)No.12286 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.12286 of 2024
WMP(MD)No.10898 of 2024**

M/s.Morupatti 24 Manai Telungu
Chettiars' Charitable Trust,
Rep. by its Chairman cum Managing Trustee,
vs.

... Petitioner

- 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.12286 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.860/2A3 to an extent of 50 cents located at East Giri Street, Palani Taluk, Dindigul District and to provide free access to the petitioner and members of the trust of their property in the 'Giri Vala Veedhi to reach their property using their vehicles.

For Petitioner : Mr.B.Saravanan, Senior Counsel
for M/s.B.Saravanan Associates

For Respondents : Mr.Veerakathiravan,
Additional 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.*]

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



W.P.(MD)No.12286 of 2024

Vala Veethi' at Palani, to obstruct the petitioners' free ingress and egress at the property in his possession and enjoyment at T.S.Nos.860/2A3 to an extent of 50 cents located at East Giri Street, Palani Taluk, Dindigul District and to provide free access to the petitioner and members of the trust of their property in the 'Giri Vala Veedhi to reach their property using their vehicles.

2. The case of the petitioner is that he is the owner of the properties in T.S.Nos.860/2A3 to an extent of 50 cents located at East Giri Street, Palani Taluk, Dindigul District, 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.



W.P.(MD)No.12286 of 2024

WEB COPY

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 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 located in South Girivala Veethi near the Kodaikanal checkpost with a distance of 40 meters, however, he assured that the fifth respondent will provide 3 feet width for the ingress and egress to the petitioner's shop.



W.P.(MD)No.12286 of 2024

WEB COPY

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 necessary permission/licence obtaining from the competent authority to run the business.

7. The Writ Petition stands disposed of with the above liberty. No costs. Interim order already granted by this Court stands vacated. Consequently, connected miscellaneous petition is closed.

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

Intex : Yes/No
Internet : Yes/No
Jvm

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

Jvm

To



W.P.(MD)No.12286 of 2024

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