



W.P.(MD)No.13334 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

CORAM:

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

**W.P.(MD)No.13334 of 2024
WMP(MD)No.11792 of 2024**

Hotel Subam Private Limited,
Represented by its Director,
S.Prema,
No.7, North Giri Veethi,
Palani, Dindigul District-624 601.

... 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,



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Dindigul District, Spencer Compound,
Dindigul-624 001.

5.The Executive Officer / The Joint Commissioner,
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 grievance of the petitioner and to avoid any such measures proposed to be taken under the guise of preventing encroachments in the Girivala Vethi at Palani to obstruct the petitioner's free ingress and egress to the patta lands at TS.No.78, Door No.7 at the North Girivithi, Palani Town, measuring an extent of 30 cents and to provide free access to the petitioner's land and the customers of their "Hotel Subam Private Limited" in the Girivala Vethi to reach their property using their vehicles.

For Petitioner : Mr.Nirmal Aditya
for M/s.L.Narasimha Varman

For Respondents : Mr.Veerakathiravan,
Additional Advocate General assisted by
Mr.N.Satheesh Kumar,
Additional Govt. Pleader for R1 to R4

Mr.R.Bharanitharan for R5

ORDER

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



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This Writ Petition has been filed for a Mandamus directing the respondents to consider the grievance of the petitioner and to avoid any such measures proposed to be taken under the guise of preventing encroachments in the Girivala Vethi at Palani to obstruct the petitioner's free ingress and egress to the patta lands at TS.No.78, Door No.7 at the North Girivithi, Palani Town, measuring an extent of 30 cents and to provide free access to the petitioner's land and the customers of their "Hotel Subam Private Limited" in the Girivala Vethi to reach their property using their vehicles.

2. The case of the petitioner is that she is the Director of "Hotel Subam" and owns patta land in TS.No.78, at the North Giriveethi. The Petitioner and their customers have to use vehicles in order to access the Hotel which provides lodging and restaurant facilities. Now the Respondents have proposed a kerb wall to be built in-front of the gate of the Petitioner Hotel which would subsequently curtail the ingress and egress of the Petitioner and its Customers. The Petitioner seeks for appropriate orders restraining the Respondent from putting a concrete kerb wall under the guise of preventing encroachments, obstructing the ingress and egress of the Petitioner and its customers to the Hotel.



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3. Heard the learned Additional Advocate General for the respondents 1 to 4 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 petitioners' property and hotel 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 petitioner cannot be granted.

5. The learned Standing Counsel for the Palani Devasthanam Board / fifth respondent submitted that the petitioners property is not adjoined to Girivala Pathai, but adjoined to temple Poromboke and she is having alternative pathway in Iteri road for ingress and egress to the hotel and therefore, denied the averment of the petitioner that the ingress and egress to the petitioner's hotel is completely



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curtailed. He also assured that 3 Feet width will be provided for ingress and egress to the petitioner's hotel. The submission made by the learned Standing Counsel for the Devasthanam Board is placed on record.

6. The learned counsel for the petitioner undertakes before this Court that the Gate which has been installed in-front of the petitioner's hotel will be kept under lock and key during normal circumstances and suitable barricades will be installed and only during emergency situations, based on the request made by the Management of the Hotel to the Joint Commissioner, HR&CE Department, Palani, the gate may be permitted to be used. The said undertaking of the learned counsel for the petitioner is placed on record.

7. In the light of the aforesaid undertaking given by the learned counsel for the petitioner, this Court directs that the Main Gate of the petitioner's hotel shall be kept under lock and key during normal circumstances and suitable barricades shall be installed. In case of emergency situations, based on the request made by the Management of the petitioner's Hotel to the Joint Commissioner, HR&CE Department, Palani, the gate may be permitted to be used.



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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 petition is closed.

(D.K.K., J.) (R.V., J.)
27.06.2024

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.



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- 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,
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