



W.P.(MD)No.14907 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.14907 of 2024

and

W.M.P.(MD)Nos.13078 & 16182 of 2024

S.Thirumalai

... Petitioner

/Vs./

1. The District Collector,
Tenkasi District,
Tenkasi.

2. The Tahsildar,
Tenkasi Taluk,
Tenkasi District.

3. The Block Development Officer,
Keelapavur Union Panchayat,
Pavoorchathiram,
Tenkasi Taluk,
Tenkasi District.

4. The Executive Officer,
Thippanampatti Panchayat,
Thippanampatti,
Tenkasi Taluk,
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus directing the 1st respondent to direct the



W.P.(MD)No.14907 of 2024

WEB COPY

respondents 3 and 4 to stop the construction of Fair Price Shop preventing the petitioner's ingress and egress to the petitioner's house in the lands allotted for the road connecting Western Cement Road and Eastern House Door No. 10/41 to a length of 40 feet and a breadth of 30 feet in Survey No. 1633/25 of Sarkaar Puramboke vacant land in Sennalthapudukulam, Thippanampatti village, Tenkasi Taluk, Tenkasi District, by considering his representation dated 29.06.2024 within the period stipulated as prescribed by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction, directing the respondents 3 and 4 to stop construction of Fair Price Shop, preventing the petitioner's ingress and egress to his house.

2. The petitioner's father owned a thatched roof house in the land comprised in Survey No.1634/2, measuring 0.00.88 Hecs. After his demise, the petitioner had constructed a house and there is open space around his house. While being so, in and around the petitioner's house, the village people are trying to convert the same as the playground, by



W.P.(MD)No.14907 of 2024

blocking the free flow of drainage water. Therefore, the petitioner submitted a representation to lay a proper road, but, it was not considered and as such, the petitioner filed a Writ Petition in W.P.(MD)No.11878 of 2018 and this Court, by order, dated 05.06.2018 directed the third respondent therein to consider the representation submitted by the petitioner in accordance with law. However, now the respondents are constructing a Fair Price Shop in the vacant space by blocking the ingress and egress of the petitioner's house.

3. On perusal of the counter and submissions made by the learned Additional Government Pleader, it is revealed that the respondents proposed to construct a Fair Price Shop in Survey No.1633, which is classified as “Government Poramboke land”. Adjacent to the said land, the petitioner constructed two houses in Survey No.1637/25, without obtaining any planning permission from the local authority. Therefore, the petitioner had constructed house without leaving any set back area. Now, the petitioner wanted the property, which is classified as “Government Poramboka land” in Survey No.1633 as street as per revenue records. The subject property / land is earmarked as



W.P.(MD)No.14907 of 2024

Government Poramboke land. After obtaining necessary approvals from the authorities concerned, the subject land was selected for construction of new Fair Price Shop. Accordingly, the construction has begun. Further, the petitioner's house is not facing directly to the Fair Price Shop and there is space left in the petitioner's living. Therefore, the directions sought for in this Writ Petition cannot be considered and the petition is liable to be dismissed.

4. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index :Yes/No
Internet :Yes/No
NCC :Yes/No
LS

06.11.2024



WEB COPY



W.P.(MD)No.14907 of 2024

TO:-

1. The District Collector,
Tenkasi District,
Tenkasi.
2. The Tahsildar,
Tenkasi Taluk,
Tenkasi District.
3. The Block Development Officer,
Keelapavur Union Panchayat,
Pavoorchathiram,
Tenkasi Taluk,
Tenkasi District.
4. The Executive Officer,
Thippanampatti Panchayat,
Thippanampatti,
Tenkasi Taluk,
Tenkasi District.



WEB COPY



W.P.(MD)No.14907 of 2024

G.K.ILANTHIRAIYAN, J.

LS

Order made in
W.P.(MD)No.14907 of 2024

Dated:
06.11.2024