



W.P(MD).No.21512 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.21512 of 2024

S.Raveendran

... Petitioner

Vs.

1.The Director of Town Panchayats,
Directorate of Town Panchayats,
7th and 8th Floor,
75, Urban Administrative Office Campus,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai – 600 028.

2.The District Collector,
Kanyakumari District at Nagercoil.

3.The Assistant Director (Town Panchayats),
Nagercoil, Kanyakumari District.

4.The President,
Villukuri Town Panchayat,
Villukuri,
Kanyakumari District.

5.The Executive Officer,
Villukuri Town Panchayat,
Villukuri,
Kanyakumari District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 4th and 5th respondents to remove the compound wall constructed by the 4th and 5th respondents in front of the petitioner's land comprised in New Survey No.129/11A1C (Old Survey No.1150) situated in the Villukuri Village, Kalkulam Taluk, Kanyakumari District to that extent it obstructs the 10 feet frontage of the pathway to the petitioner's land.

For Petitioner : Mr.A.Abu Backer Sidhic

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 to R3.
Mr.R.Suresh Kumar,
Addl. Government Pleader for R5.

ORDER

This writ petition has been filed for issuance of Writ of Mandamus to direct the respondents 4 and 5 to remove the compound wall constructed by them in front of the petitioner's land comprised in New Survey No.129/11A1C (Old Survey No. 1150) situated in Villukuri Village, Kalkulam Taluk, Kanyakumari District to that extent it obstructs the 10 feet frontage of the pathway to the petitioner's land.

2.It is the case of the writ petitioner that the petitioner has land of 17 cents of vacant site in New Survey No.129/11A1C in Villukuri Village, Kalkulam Taluk, Kanyakumari District. There is 30 feet wide public pathway namely, Charalvilai



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Road in front of his land. The petitioner is having only 10 feet frontage space for pathway to access his land abutting 30 feet public pathway, which was purchased by the petitioner from his younger brother vide sale deed bearing Document No.2426/2022. The fourth respondent dug a public well on the other side and raised overhead water tank adjacent to the well and it is blocking the petitioner's access to the 10 feet pathway which abutting the main road. Hence, he seeks a direction.

3.The learned Special Government Pleader on instructions submitted that the water body has been constructed at the government poramboke land. The compound wall had been constructed in order to distribute water to the general public. However, the petitioner is having access through the main road. Hence, he prayed this Court to dismiss the writ petition.

4.Heard learned counsel on either side and perused the materials available on record.

5.The sketch and the photographs produced before the Court make it clear that the compound wall was constructed around the water tank and it completely



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blocks the petitioner's access to his property from the main road. It is admitted that if the compound wall is constructed very next to the water tank, there will not be any difficult for the petitioner to access his property from the main road. The learned counsel for the petitioner would also suggest that if the compound wall is constructed adjoining the walls connecting the pump house, the petitioner will not have any difficulty.

6.If the compound wall is restricted upto the pump house wall, petitioner will have an access to his land from the main road. In such view of the matter, the respondents are directed to construct the compound wall abutting the pump house wall without disturbing the pillar. The entire exercise shall be completed within a period of two weeks from today ie., 30.09.2024.

7.The writ petition is allowed on the above terms. No costs.

30.09.2024

NCC : Yes/No
Index : Yes/No
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