



W.P.No.2821 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

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CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.2821 of 2025
and W.M.P.No.3127 of 2025

Vaithilingam Perumal

... Petitioner

Vs.

1.The District Collector,
Collectorate, Salem District.

2.The Tashildar,
Mettur Taluk Office, Salem.

3.The Revenue Inspector,
Mettur Taluk, Salem District.

4.The Block Development Officer,
(Block Panchayat) Mecheri,
Mettur Taluk Office, Salem.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to consider the representation dated 08.01.2025 and consequently, direct the fourth respondent to desist from construction of the water tank in the pathway of the petitioners property located in Survey No.165/23 165/24 & 2/8.



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For Petitioner : Mr.M.Aswin Kumar

For Respondents : Mr.N.Naveen Kumar,
Government Advocate

ORDER

The relief sought by the petitioner in this writ petition is to direct the first respondent to consider the representation dated 08.01.2025 and consequently, direct the fourth respondent to desist from construction of the water tank in the pathway of the petitioners property located in Survey No.165/23 165/24 & 2/8.

2. Learned counsel for the petitioner submitted that the petitioner residing in Survey Nos.165/23, 165/24 and 2/8 of Mecheri Village along with his family. This being the case, the fourth respondent started to construct the tank to west side of the petitioner's property and to construct the steps of the water tank along the pathway to petitioner's property, affecting the ingress and egress to his house. Hence, he gave an objection letter dated 06.01.2025



and sought clarification as to why the tank was constructed in a new place and requested the fourth respondent to remove the steps, which was obstructing the pathway to the petitioner's property. But, no action was taken. Therefore, the petitioner sent a representation dated 08.01.2025 to the first respondent, which is still pending and no action has been taken. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Learned Government Advocate appearing for the respondents submitted that an inspection was conducted by the Assistant Engineer, Rural Development, Mecheri Block, Salem, in the presence of the petitioner and also submitted a site inspection report dated 17.02.2025 to that effect, wherein it is stated as follows:

“ As aforesaid by this tank construction and provision of staircase there are no obstacles to the writ petitioner to use his properties. He is using the existing two roads for his transport and he made this prayer that the staircase hindering him in access to his backyard. But as submitted, this staircase is located in S.No.3/2H15 and 3/2H18 which is owned by his neighbors and there are no constructions in the writ petitioner's property and the tank was constructed in the land where the old



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tank already existed. The writ petitioner is allowed to use the 10 feet width space still exist in the Pathway between OHT ladder and petitioner Compound wall. The writ petitioner illegally constructed small Compound wall with Gate in the Pathway it self to make hinderon to other residents located in the said S.No.3/2H. The writ petitioner has made this prayer by suppressing all the above facts and against ground reality.”

4. Learned counsel for the petitioner prayed this Court that direction may be issued to the respondents, not to construct any structure in the pathway, which is the only ingress and egress to the petitioner's property.

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

6. The site inspection report of the Assistant Engineer, Rural Development, Mecheri Block, Salem dated 17.02.2025 was taken on record by this Court.

7. Taking into consideration, the relief sought for by the learned



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counsel for the petitioner, this Court issues direction to the fourth respondent not to construct any structure in the pathway, which is the only ingress and egress to the petitioner's property.

8. This writ petition is disposed of with the aforesaid observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

12.03.2025

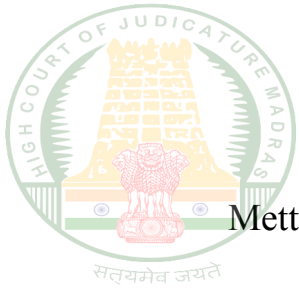
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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

- 1.The District Collector,
Collectorate, Salem District.
- 2.The Tashildar,
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(Block Panchayat) Mecheri,

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