



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

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CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP.No.10705 of 2025

and

WMP.No.12063 of 2025

Mr.A.G.Thashnamurthy,
S/o.Govindasmay, Ellakkal Street,
Kurinjpadi Town, Cuddalore.

Petitioner(s)

Vs

1.Government of Tamil Nadu,
Represented by its Secretary,
Municipal Administration and Water Supply (MA1)
Department, Fort St. George,
Secretariat, Chennai.

2.District Collector,
Cuddalore District, Cudallore.

3.The Tahsildar,
Kurinjpadi Town,
Cudalore District.

4.Executive Officer cum Authority,
Kurunjipadi Town Panchayat,
Kurinjpadi Post, Cuddalore District.



5. The Chariman
Kurunjipadi Town Panchayat,
Kurinjipdi Cuddalore District.

Respondent(s)

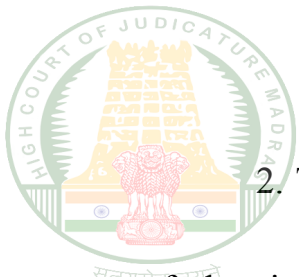
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, forbearing the respondents 1 to 5 herein or their subordinates or any body acting through them from in any manner putting up any constructions of whatever nature including the cycle shop or compound wall or any structure in the road situated in S.No.415/1 Kurinchipadi Town, Cuddalore District thus attempting to close down the common road much to the detriment of the petitioner and pass such further orders.

For Petitioner(s): Mr.N.Damodaran

For Respondent(s): Mr.M.S.Prem Kumar,
Government Advocate for R1
Mrs.R.L.Karthika,
Government Advocate for R2 & R3
Mr.A.Anandan,
Government Advocate for R4 & R5

ORDER

With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



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2. This writ petition has been filed for issuance of a Writ of Mandamus, forbearing respondents 1 to 5 herein or their subordinates or anybody acting through them from in any manner putting up any constructions of whatever nature, including the cycle shop or compound wall or any structure in the road situated in S.No.415/1 Kurinchipadi Town, Cuddalore District, thus attempting to close down the common road much to the detriment of the petitioner.

3. The case of the petitioner is that the petitioner purchased two properties in Kurinchipadi Village, Cuddalore District, Tamil Nadu, in 2012, with access through a common road situated in S.No.415/1. This road, which has been used by the public for years, connects to the Kurinchipadi Bus Stand in S.No.415/2. In May 2023, officials of the fourth respondent (local authority) marked the common road and planned to construct a compound wall, blocking access to the petitioner's property. Despite representations, no action was taken, leading the petitioner to file W.P.No.19286 of 2023, resulting in a "Status Quo" order. The petition was later withdrawn based on assurances that no wall would be built. However, in December 2024, the fourth respondent resumed digging to



construct a cycle stand, again obstructing access. The petitioner made further representations on 22.01.2025 and 24.02.2025, but no action was taken.

4. Learned counsel appearing for the petitioner contends that the construction of a compound wall or any obstruction on the common road in S.No.415/1 violates their right of access and will severely impact their business operations. The road is classified as “Road” in the A-Register and has been historically used by the public and property owners, including the petitioner. The fourth respondent’s actions are arbitrary and in violation of prior assurances given in 2023. Hence, the present writ petition is filed.

5. Learned Government Advocate appearing for respondents 2 and 3 submits that the representation of the petitioner dated 22.01.2025 would be considered on merits, in accordance with law, within a time frame stipulated by this Court.

6. Heard both sides and perused the materials available on record.



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7. Without going into the merits of the case, the second respondent is directed to consider the representation of the petitioner dated 22.01.2025 after conducting a detailed enquiry by giving due notice to the petitioner, affording an opportunity of personal hearing to the petitioner, to take into consideration all the relevant documents submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observations and direction. No costs. Consequently, connected miscellaneous petition is closed.

26-03-2025

cda

Index: Yes/No

Speaking/Non-speaking order



J.SATHYA NARAYANA PRASAD J.

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To

1.The Secretary,
Government of Tamil Nadu,
Municipal Administration and Water Supply (MA1) Department,
Fort St.George,
Secretariat, Chennai.

2.District Collector,
Cuddalore District, Cudallore.

3.The Tahsildar,
Kurinjipadi Town,
Cudalore District.

4.Executive Officer cum Authority,
Kurunjipadi Town Panchayat,
Kurinjipadi Post, Cuddalore District.

5.The Chariman
Kurunjipadi Town Panchayat,
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W.P.No.10705 of 2025

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