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WP.Nos.19434 & 20671
of 2024

In the High Court of Judicature at Madras

Reserved on 18.3.2025	Delivered on : 21.3.2025
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition Nos.19434 & 20671 of 2024

A.Robart Vijaiyakumar

...Petitioner in
WP.No.19434 of
2024

1.M.Athirai
2.A.J.Attanathi
3.J.Ranganayaki

...Petitioners in
WP.No.20671 of
2024

Vs

1.The District Collector,
Tiruvallur District.

...R1 in both the
WPs

2.The Executive Director,
Tamil Nadu Road Infrastructure
Development Corporation
(TNRIDC), No.735, IV Floor,
LLA Building, Anna Salai,
Chennai-6.

(suo motu impleaded as R4
in WP.No.20671 of 2024
vide order dated 11.11.2024
by PTAJ)

...R2 in WP.No.



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19434 of 2024 &
R4 in WP.No.
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3.The Special District Revenue
Officer, Chennai Peripheral Ring
Road Project, Land Acquisition
Office, Ambattur, Chennai-58.

...R2 in WP.No.
20671 of 2024

4.The Project Director, Chennai
Peripheral Ring Road Project,
HRS Campus, No.76,
Sardar Patel Road, Guindy,
Chennai-25.

...R3 in WP.No.
20671 of 2024

PETITIONS under Article 226 of The Constitution of India praying
for the issuance of

(i) a Writ of Mandamus directing the respondents to provide a
way to the petitioner to enter into and exit his land based on the
petitioner's representation dated 22.5.2024 (WP.No.19434 of 2024);
and

(ii) a Writ of Mandamus directing the respondents herein to
provide cart track way to reach the petitioners' agricultural land from
the newly formed Chennai Peripheral Ring Road Project-Ennore to
Mahabalipuram situated in S.Nos.108/1A, 108/1B, 108/3 and 113 at



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Krishnapuram Kandigai Village, Uthukottai Taluk, Thiruvallur District
by considering their representation dated 07.5.2024 within a time
frame fixed by this Court (WP.No.20671 of 2024).

For Petitioner in
WP.No.19434 of 2024 : Mr.T.N.Rajagopalan

For Petitioners in
WP.No.20671 of 2024 : Mr.S.Parthasarathy, SC
for Mr.P.Dinesh Kumar

For State : Mr.A.Selvendran, SGP

Ms.S.Divya Preathika,
Advocate Commissioner

COMMON ORDER

W.P.No.19434 of 2024 has been filed by the petitioner seeking
for the issuance of a Writ of Mandamus directing the respondents to
consider his representation dated 22.5.2024 to provide access to him
for ingress and egress to his agricultural lands situated at Kilanur
Village, Tiruvallur Division and District.

2. WP.No.20671 of 2024 has been filed by the petitioners
seeking for the issuance of a Writ of Mandamus directing the



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respondents to consider their representation dated 07.5.2024 to provide a cart track way to reach their agricultural lands situated in S.Nos.108/1A, 108/1B, 108/3 and 113 at Krishnapuram Kandigai Village, Uthukottai Taluk, Thiruvallur District.

3. Heard the respective learned counsel appearing on both sides.

4. When these writ petitions came up for hearing on 21.2.2025, this Court passed the following common order :

"Mr.S.Parthasarathy, learned Senior Counsel appearing on behalf of the petitioner in W.P.No.20671 of 2024 submitted that the crux of the issue that is involved in the present writ petition is that the agricultural lands situated in survey No.108/3 does not have an approach road from the Chennai Peripheral Road and as a result, it is completely landlocked. The learned Senior Counsel also submitted that even in the counter that was filed by the 4th respondent, the same has been admitted at paragraph 10. The learned Senior Counsel further submitted that the respondents are willing to provide a pathway as an access to survey No.108/3. However, considering the fact that the agricultural operations are carried



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out, at least a cart track must be provided to access the property.

2. Mr.T.N.Rajagopalan, learned counsel appearing for the petitioner in W.P.No.19434 of 2024 submitted that the petitioner only requires access from his agricultural lands to the service road and the same is sought to be now blocked, as a result of which, the petitioner will not even be able to use the service road which ultimately connects the main road. The learned counsel further submitted that the availability of the service road is also admitted in the status report at paragraph 5.

3. The learned counsel appearing in both the writ petitions also placed before this Court the rough sketch and also the topography of the place.

4. The learned Additional Government Pleader appearing on behalf of the official respondents submitted that he is led by the learned Advocate General in this case.

5. This Court wants to ascertain the actual status as it exists and hence, this Court is inclined to appoint an Advocate Commissioner to conduct an inspection and to submit a report before this Court. Accordingly, Ms.R.Divya Preathika, Advocate (Mobile No.98402 15619), Enrolment No. 2238/2017, having office at No.124/255, Angappa Naicken Street, II Floor, Hussaina Manzil, Parrys



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Corner, Chennai 600 001, is appointed as an Advocate Commissioner. The task that is assigned to the learned Advocate Commissioner is as follows :

i. Insofar as W.P.No.20671 of 2024, the learned Advocate Commissioner shall inspect and find out as to whether there is any access available to the property in survey No.108/3 from the Chennai Peripheral Ring Road and shall also ascertain the pathway, that is now proposed to be given as an access to the property. If in case, the cart track is given as an access to the property, the feasibility of the same also shall be dealt with in the report.

ii. Insofar as W.P.No.19434 of 2024, the learned Advocate Commissioner shall see as to whether the petitioner has an access to the service road from his agricultural lands in order to reach the main road.

iii. The learned Advocate Commissioner shall also record in the report, the present status on the ground and the feasible solution that can be arrived at for providing proper access to the petitioners in both the writ petitions.

iv. The learned Advocate Commissioner shall be assisted by the Executive Director, Tamil Nadu Road Infrastructure Development Corporation, Chennai. The learned Advocate Commissioner



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shall give notice to the petitioners also, before the inspection.

v. The learned Advocate Commissioner shall be paid a sum of Rs.50,000/- (Rupees Fifty Thousand Only) towards initial remuneration by the petitioners in both the writ petitions jointly and a report along with the sketch and photographs shall be filed before this Court before the next hearing date i.e., on 07.03.2025.

6. Post these writ petitions under the caption "for filing the Commissioner's report" on 07.03.2025 at 02.15 p.m."

5. Pursuant to the said common order dated 21.2.2025, the learned Advocate Commissioner appointed by this Court submitted an independent report separately in both the writ petitions along with relevant documents and photographs.

6. In so far as W.P.No.19434 of 2024 is concerned, the relevant portions from the report of the learned Advocate Commissioner are extracted as hereunder :

"

3. It is submitted that the Assistant Divisional Engineer (ADE) has explained about the



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scheme and stated that the proposed scheme has divided into five sections and the writ petitioner's property would come under Section II i.e (Thatchur to Thiruvallur Bypass) and shown a vehicular underpass and the box culverts near the property. He further explained that the box culverts proposed at approximate intervals of 250M and to facilitate water flow and also to balance the water flow in the agricultural fields during rainy seasons and width of the service road is 10M in either side of the CPRR Road. (Herewith enclosed the sketch and Map in pg Nos.11 & 12).

4. It is submitted that I have seen a wall with a height of 2.0 M in between the pathway, service road and the Chennai Peripheral Ring Road and half built wall with a height of 1.0M. Due to formation of the wall, the petitioner could not enter into his agricultural land i.e. survey No.165 and at present, the petitioner is using his neighbouring land owner's i.e in survey No.164 pathway to reach his agriculture land (Herewith enclosed the photograph in pg.Nos.15 & 16).

5. It is submitted that the officials had informed that before formation of the CPRR, the petitioner used the Odai as pathway to reach his agricultural land and the same was accepted by the petitioner and the petitioner also informed that there were no water in the odai and the odai was



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dry and the same was used by him as a pathway formation of CPRR. Now, after formation of the CPRR, the authorities constructed a box culvert across the odai and the petitioner could not use the same as pathway and the access to his agriculture land was completely blocked. The officials further informed that prior to formation of CPRR, the petitioner has no proper pathway to his land and the petitioner used the odai as pathway and the officials informed that the petitioner has no privilege to claim the pathway to them (Herewith enclosed the photograph in pg Nos.17 & 18).

6. It is submitted that I have seen a Kacha Road in survey No.164 and when I enquired with the officials, they have informed that the land owner (who is a president in the Panchayat) has illegally formed a Kacha Road from his land to service road of CPRR on his own without the knowledge of the officials and the action will be taken to remove the same in due course with the help of the police officials. When I enquired with the petitioner, he has informed that he has been using the said illegal kacha road (made by the petitioner's adjacent land owner in survey No.164) to reach his agriculture land (Herewith enclosed the photograph in pg.Nos.19 to 21).

7. It is submitted that due to acquisition of lands and the formation of box culvert across the



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odai, the petitioner is not having access to the service road to reach his agriculture land and the petitioner has been using the illegal kacha road formed by his neighbouring land owners in survey No.164 to reach his agricultural land and now the petitioner's adjacent land owner is obstructing and restricting the petitioner to enter into his agriculture land in survey No.164 to reach his agriculture land . When I spoke to the petitioner's adjacent land owner one Mr.Mohan Rao, he has informed that the petitioner has no access to reach his agriculture land and he has been using his agriculture land and further he has informed that the petitioner has damaged his agricultural land by using tractor and now he refused to allow the petitioner to use his agriculture land and he told to use some other's land and not to disturb him (Herewith enclosed the photograph in pg.Nos.22 & 24).

8. It is submitted that the petitioner is not having access to the service road to reach his agriculture land and if the petitioner wants to reach the agriculture land from the service road, the petitioner is required to obtain prior permission from his neighbouring land owners. As of now, the petitioner is not having access to the service road to reach his agriculture land (Herewith enclosed the photograph in pg.Nos.25 & 26).



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9. It is submitted that when I enquired the officials, the officials of TNRIDC had informed that since the petitioner has no pathway prior to the formation of the CPRR road and if the Court considers the request of the petitioner as fit, they will provide access to the petitioner in the service road to reach his agriculture land. The officials also informed that if one such access is given, it will have a cascading effect that all the land owners adjacent to the service road will come up with a similar request which will create adverse impact in the functioning of the bi-directional service road. The officials informed that if the petitioner's request is considered, they won't construct a iron barricade in the wall and the petitioner is required to form a kacha road in his land on his own to access the service road. (Herewith enclosed the photograph in pg.Nos.27 & 28).

10. The officials further informed that if they permit the petitioner to form the kacha road, accident would be happening in future and the adjacent land owners also would demand for kacha road for their agriculture lands. The officials also informed that even prior to the formation of CPRR, most of the land owners in that area are not having any proper pathway to each and every parcel of land. Mostly the land parcels of individual land owners are surrounded by the lands of other



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owners. The land owners doing agriculture activities friendly with amicable arrangements among themselves to use the adjacent lands.

11. It is submitted that as per the order of this Hon'ble Court, I have inspected the property and I found that the petitioner is not having access to the service road from his agriculture land and if the Court deems fit and direct the officials, they would provide access to the petitioner in the service road to reach his agriculture land.

....."

7. In so far as W.P.No.20671 of 2024 is concerned, the relevant portions from the report of the learned Advocate Commissioner are extracted as hereunder :

".....

4. It is submitted that I have seen a wall with a height of 9 feet in between the petitioners' land and service road of Chennai Peripheral Ring Road. Due to the formation of the wall, the petitioners could not enter into their agricultural land i.e. survey No.108/3. Since the height of the wall is very huge and the petitioners could not enter into their agriculture land (Herewith enclosed the photograph in pg.Nos.13 to 16).

5. It is submitted that the petitioners have



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informed that when their lands were acquired for the formation of the CPRR Road, the petitioners' lands got bisected into two and the portions of the land lies on either side of the CPR Road. In which, the authorities formed a wall with the height of 9 feet height higher than the ground level. (Herewith enclosed the photograph in page No.17).

6. It is submitted that the petitioners have informed that prior to the formation of the CPRR road, the petitioners are using the pathway which goes in between survey No.113 and survey No. 108/3. Now, after the formation of CPRR Road, the petitioners' lands i.e. survey No.113 and survey No.108/3 got bisected and the petitioners' access to reach their agricultural lands in survey No.108/3 is completely blocked.

7. I state that I have seen an existing pathway in survey No.113 and the petitioners are using the existing pathway to reach their agriculture land in survey No.113 and the petitioners are not having access or cart track to reach their agriculture land in survey No.108/3 and further they are not having access to the service road (Herewith enclosed the photograph in pg.Nos. 18 & 19).

8. It is submitted that I have seen a kacha road in survey No.73/1, 850 M from the petitioners' land. When I verified with the officials,



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they have informed that the land owner has illegally formed the mud road two days before and the same will be removed (Herewith enclosed the photograph in pg.Nos.20 & 21).

9. It is submitted that the petitioners are not having access to reach their agriculture land. If the petitioners want to reach their agriculture land the petitioners want to obtain prior permission from their neighbouring land owners. As of now, the petitioners are not having access to reach their agriculture land (Herewith enclosed the photograph in pg.Nos.22 & 23).

10. It is submitted that when I verified with the officials, the officials of TNRIDC had informed that if the Court permits, they are ready to give an opening in the service road with 7 meters width for the vehicles to gain access to reach their agriculture land since the petitioners' access to their lands were affected due to formation of CPRR road and further they have informed that they won't construct an iron barricade in the wall and the petitioners want to form a kacha road to reach their agriculture land without insisting the officials. The officials have informed that usually they will cover the wall with the iron barricade to avoid ingress and egress of the land owners in the service road and now they propose to provide an access to the petitioners to reach their agriculture



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land (Herewith enclosed the photograph in pg.No.24).

11. The officials further informed that if they provide access to the petitioners to lay a kacha road, accident would be happening in future, which might adversely affect the traffic movement in the bi-directional service road and the adjacent land owners also would demand similar access for their agriculture lands.

12. It is submitted that the petitioners have requested the officials to form a kacha road to reach their agriculture land and the same was refused by the officials. The officials had informed that they can provide only access to the service road and they could not form the road due to insufficient fund.

13. It is submitted that as per the order of this Hon'ble Court, I have inspected the property and I found that the officials could not provide cart track access to the petitioners' property instead if the Court permits the officials, they can provide access/opening in the service road to reach their agriculture land in survey No.108/3. It is submitted that I don't find any cart track or any access to the petitioners' property except the opening in the service road which the officials now propose to give.

14. It is submitted that the officials have



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informed that the said CPR Road project would be completed one and half years (1 1/2 years) and till such time the officials as well as the contractor will make some internal arrangements for the petitioners to reach their agriculture land. After completion of the said project, the petitioners can lay a kacha road to reach their agriculture land from the service road.

....."

8. In W.P.No.20671 of 2024, a counter dated 10.12.2024 has been filed by the TNIRDC for himself and on behalf of respondents 1 to 3, in which, the respondents explained about the project, which has been divided into five sections and that the properties belonging to the petitioners come under Section II, which is Thatchur to Sriperumbudur Bypass. They took a stand that the Chennai Peripheral Ring Road (CPRR) alignment bifurcates the agricultural fields and accordingly, a retaining wall has been constructed, as a result of which, the land owners of the adjacent fields could not access the CPRR directly, that even prior to the formation of the CPRR, the farmers were utilizing the pathway of the neighbouring/adjacent fields belonging to the other land owners and that all of a sudden, the land owners are asking for a



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separate access to their respective agricultural lands.

9. The respondents took a further stand in the counter that vehicular underpasses have been proposed to be constructed at all designed road crossings and that the same can be utilized by the land owners to have access to the service road of the CPRR and move from one side to another. They also took a stand that if the petitioners are provided with access to their respective lands, similar demands will come from all the land owners, that it will create traffic conflicts leading to accidents and that it will also defeat the very purpose of formation of the CPRR.

10. This Court, on considering the request made by the petitioners, wanted to ascertain as to whether a way can be created for the petitioners to reach their respective agricultural lands. For that purpose, the learned Advocate Commissioner was appointed and a report has also been filed separately in both the writ petitions.

11. In the report filed in W.P.Nos.19434 of 2024, the learned



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Advocate Commissioner suggested that a kacha road can be formed by the petitioner in his own lands in order to have access to the service road. In the report filed in W.P.No.20671 of 2024, the learned Advocate Commissioner suggested that an opening can be made in the service road with 7 meters width in order to enable the petitioners to utilize the same by using vehicles to reach their agricultural lands and that the kacha road has to be formed by the petitioners themselves.

12. The suggestions made by the learned Advocate Commissioner in the reports along with the sketches and photographs would show that some provision can be made to the petitioners in both the writ petitions to have access to their respective agricultural lands.

13. It was also brought to the notice of this Court that a similar issue was considered in W.P.No.5843 of 2024 wherein a direction was issued by a learned Single Judge of this Court by order dated 12.2.2025 to provide an opening in the service road with 8 meters width and the petitioner therein was directed to make his own arrangements for laying the kacha road.



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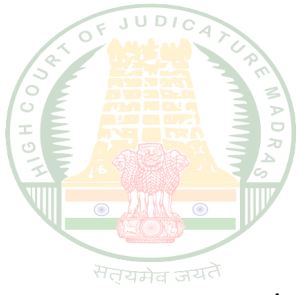
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14. The respective learned counsel appearing for the petitioners submitted that a similar direction may be issued in these writ petitions.

15. In the light of the above discussions, in so far as the petitioner in W.P.No.19434 of 2024 is concerned, the Executive Director of the TNRIDC is directed to provide access to him to the service road with 8 meters width and it is for the petitioner to make his own arrangements including laying the kacha road to have access to the service road. It is made clear that the Executive Director of the TNRIDC will only identify the place where such access is going to be given and that the execution part shall be done only by the petitioner. The entire process shall be completed within a period of six weeks from the date of receipt of a copy of this order.

16. In so far as the petitioners in W.P.No.20671 of 2024 is concerned, there shall be a direction to the Executive Director of the TNRIDC to give an opening with 8 meters width so as to enable the petitioners to have access to their agricultural lands. It is for the petitioners to make their own arrangements including laying the kacha



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road to have access to their agricultural lands. It is made clear that the Executive Director of the TNRIDC will only identify the place where such access is going to be given and that the execution part shall be done only by the petitioners. The entire process shall be completed within a period of six weeks from the date of receipt of a copy of this order.

17. Both the writ petitions are disposed of in the above terms.

No costs.

21.3.2025

To

- 1.The District Collector,
Tiruvallur District.
- 2.The Executive Director,
Tamil Nadu Road Infrastructure
Development Corporation
(TNRIDC), No.735, IV Floor,
LLA Building, Anna Salai,
Chennai-6.
- 3.The Special District Revenue
Officer, Chennai Peripheral Ring
Road Project, Land Acquisition
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- 4.The Project Director, Chennai
Peripheral Ring Road Project,
HRS Campus, No.76, Sardar
Patel Road, Guindy, Chennai-25.

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N.ANAND VENKATESH,J

RS

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