



WP NO. 38239 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2025

CORAM

**THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA  
PRASAD**

**W.P.NO. 38239 of 2024**

S.Sudarshan  
S/o.Srinivasan, No.17/419,Copper Beach, East  
Coast Road, Panaiyur, Chengalpattu District

.....Petitioner

Vs

1. The District Collector  
Chengalpet District,  
Chengalpattu-603 001

2. The District Revenue Officer  
Chengalpattu District,  
Chengalpattu-603 001

3. The Block Development Officer  
Thiruporur Taluk,  
Thiruporur-603110

4. The President  
Navalur Panchayat, Navalur -603 110,  
Thiruporur Taluk,  
Chengalpattu District

5. Association Of Green Woods Community  
Greenwoods City,  
Thazhambur Road,  
Navalur -600 130  
Rep By Its President

.....Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents No.1 to 4 to act upon the representation of the petitioner dated 10.10.2023 and forthwith remove the check post and barricade put up by the respondent No.5 on the public roads in Arihand Greenwood layout through Navalur and Thazhambur Villages in Thiruporur Taluk, Chengalpattu District and facilitate free access thereto to the petitioner and the general public.

**For Petitioner:**

Mr.P.K. Rajagopal

**For Respondents:**

Mr. M. Rajendran for R1 to R4  
Additional Government Pleader  
Mr. D. Lingappa for R5

**ORDER**

This writ petition has been filed to direct the respondents No.1 to 4 to act upon the representation of the petitioner dated 10.10.2023 and forthwith remove the check post and barricade put up by the respondent No.5 on the public roads in Arihand Greenwood layout through Navalur and Thazhambur Villages in Thiruporur Taluk, Chengalpattu District and facilitate free access thereto to the petitioner and the general public.



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2.The brief facts of the case are as follows:

The case of the petitioner is that the petitioner has entered into a sale agreement with M/s.Arihand Unitech Realty Projects Limited in respect of a vacant land measuring 30 cents out of 52 cents comprised in New Survey No.117/1A, Old Survey No.117/1 Part, Thazhambur Village, Vandalur Taluk, Chengalpattu District on 05.04.2022 and possession of the land was given to him. The said company executed an absolute Power of Attorney in favour of the petitioner which is irrevocable and it was registered in the Office of the Sub Registrar, Thiruporur on 07.04.2022 as Document No. 7255 of 2022. The company developed and constructed a housing project in two phases, namely Arihant Greenwoods -Phase 1 and Phase 2. The roads therein have been gifted to the Thazhambur and Navalur local Panchayats by way of Registered Gift Deeds and as such, they are public roads. But the 5th respondent put up barricade and obstructed the right of way of the petitioner and other public.

(ii). On 18.10.2022, the petitioner filed a complaint before the Thazhambur Police Station to remove the barricade put up by the office



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bearers of the Greenwood Community and the said complaint was registered as CSR.No. 362 of 2022. While so, one Mrs. Navarathilova Dinesh filed a similar complaint before the Thazhambur Police Station on the same subject matter against the Association of Greenwood Community and the police filed an enquiry report on 20.12.2022. Pursuant to the same, the Police authorities have advised the Association of the Greenwoods Community and its office bearers to remove the check post on the public roads, but the same has not been carried out by the Community. Moreover, the construction permit was issued to the petitioner by the Town and Country planning Department (Planning Permission) in ROC No. 60TKCS09/2023/DTCP dated 10.03.2023 and payment has been made by the petitioner. Hence, the petitioner made a representation dated 10.10.2023 to the respondents No.1 to 4 requesting the officials to take necessary action to remove the barricade put up by the office bearers of the Greenwood Community/5th respondent and on 28.11.2023, the petitioner also sent a reminder letter to the President of Muttukadu Panchayat to take necessary and speedy action for the representation made by the petitioner on 10.10.2023, but no action has been taken till date. Hence, the present writ petition.



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3. Reiterating the averments made in the affidavit filed in support, learned counsel for the petitioner would submit that the petitioner has given a representation dated 10.10.2023 to remove the check post and the barricade put up by the 5<sup>th</sup> respondent on the public roads in Arihand Greenwoods, Thazhambur Village, Vandalur Taluk, Chengalpattu District and the same was not considered by the official respondents till date.

4. In support of his submission, the learned counsel for the petitioner drew the attention of this Court to a similar matter, in the case of ***“Farm Grove Srinivasa Nagar owners and Residents Welfare Association vs. The State of Tamilnadu”*** in W.P.No.17093 of 2016, wherein, this Court vide order dated 07.12.2017 observed and directed as follows:

*“....12.Under these circumstances, this Court is of the opinion that there is no infirmity in the order passed by the Tahsildar in respect the decision taken with regard to the rights of the parties and the road being a public road, which was declared long back in the year 2007, the writ petitioners cannot have any right over the public*



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*property either to put up any private gate or otherwise. The public road to be kept for the usage of public in general and any restriction in the public property will affect the public tranquillity and the parties, who are doing or committing any such act, are liable for prosecution under law. Thus, the petitioner cannot keep any private gate or otherwise in the public road and the official respondents are bound to see that the public roads are kept free for the usage of the general public and no private person can encroach upon the public road at any point of time. Further this Court would make it very clear that the authorities competent should have a constant vigilance in respect of public property and encroachments are to be removed without any further delay.*

*13. In this view of the matter, no further adjudication needs to be undertaken in respect of the grounds raised in this writ petition and in respect of the title of the property or otherwise, it is left open to the parties to redress their grievances in the manner known to law.*

*14. Official respondents 1 to 3 are directed to remove all the private barricades etc., forthwith from the public road and make available the public road free for access to the general public.*



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*15. With the observations, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are also closed.”*

5. Learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that the representation of the petitioner dated 10.10.2023 will be considered by the respondents on its own merits and in accordance with law, within the time fixed by this Court.

6. In view of the above, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the 3<sup>rd</sup> respondent to consider the representation of the petitioner dated 10.10.2023 after giving due notice, opportunity of personal hearing to the petitioner, the 5<sup>th</sup> respondent and to pass appropriate orders in the light of the judgment made in W.P.No.17093 of 2016 dated 07.12.2017 (*supra*). The said exercise shall be done within a period of eight(8) weeks from the date of receipt of copy of this order.



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7. With the above direction, the Writ Petition stands disposed of. No costs.

12.02.2025

msv

**Note: Registry is directed to issue order copy on 17.02.2025**

Index: Yes/No

Speaking order/Non-speaking order

To

1. The District Collector  
Chengalpet District, Chengalpattu-603 001
2. The District Revenue Officer  
Chengalpattu District, Chengalpattu-603 001
3. The Block Development Officer  
Thiruporur Taluk, Thiruporur-603110
4. The President  
Navalur Panchayat, Navalur -603 110,  
Thiruporur Taluk,  
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**J.SATHYA NARAYANA PRASAD,J.**

msv

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