



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2025

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CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.39542 of 2024

K.Madhu
W/o.S.Anbarasu,
No.3/729, E New Market Street,
Ariyalur-621 704.

Petitioner(s)

Vs

- 1.The District Collector,
Office of District Collector,
Ariyalur District, Ariyalur.
- 2.The District Revenue Officer,
Ariyalur District, Ariyalur.
- 3.The Block Development Officer
Ariyalur Union Office,
Ariyalur-621 704.
- 4.The Tahsildhar,
Ariyalur Taluk, Ariyalur District.
- 5.The Inspector of Police,
Kairalabath Police Station,
Ariyalur District.



6.Arthi Sivakumar

President,

Kallankurichi Village Panchayat,
Ariyalur District.

7.Ramasamy

S/o.Marimuthu,

No.1/3, East Street,

Kallankurichi, Ariyalur 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, directing the respondents 1 and 3 for remove the fence put up the 6th and 7th respondents in the passage on the southern side of petitioners property comprised in Survey No.553/18 Patta No.3780 situated at Kallankuruchi village, Ariyalur Taluk District by considering petitioners representation dated 01.07.2024 and pass such further orders.

For Petitioner: Mr.D.Bennington

For Respondents: Mr.N.Naveen Kumar,
Government Advocate
for R1, R2 & R4

Mr.L.S.M.Hasan Fizal,
Additional Government Pleader
for R3

Mr.R.Kishore Kumar,
Government Advocate
for R5

Steps due for R6

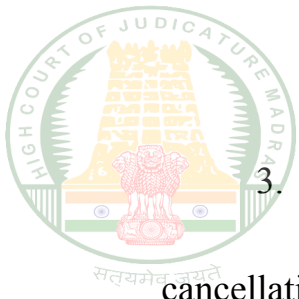
M/s.Shanmugaboopathi
for R7

**ORDER**

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This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 3 for remove the fence put up the 6th and 7th respondents in the passage on the southern side of petitioners property comprised in Survey No.553/18 Patta No.3780 situated at Kallangkuruchi village, Ariyalur Taluk District by considering petitioners representation dated 01.07.2024.

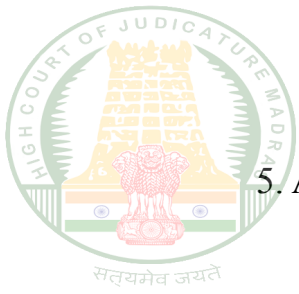
2. The petitioner, owner of a property in Kallanguruchi Village, obtained planning permission on 08.12.2022 for a flour mill. When TANGEDCO officials attempted to provide an electricity connection, the seventh Respondent obstructed it, claiming the passage was private. The sixth respondent then canceled the approval without notice. The Petitioner challenged this in W.P.No.35519 of 2023, and on 22.03.2023, the Court directed reconsideration, leading to the restoration of approval on 25.06.2024. However, the sixth and seventh respondents later fenced the southern side to block access. Despite representation, including one on 01.07.2024, no action was taken, prompting this writ petition for fence removal.



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3. Learned counsel appearing for the petitioner contends that the cancellation of her planning permission by the sixth respondent was arbitrary and without notice, violating principles of natural justice. He further submits that despite the High Court's order restoring the approval, the sixth and the seventh respondents obstructed her lawful use of the property by erecting a fence. The alleged claim that the passage is private is baseless, as it is a common passage. Despite repeated representations to authorities being ignored, demonstrating inaction and failure of duty by the respondents. The petitioner seeks judicial intervention to remove the unlawful obstruction and ensure her right to use her property is upheld.

4. It is further submitted that the Block Development Officer, the 3rd respondent herein, has already written a letter to the 5th respondent vide Na.Ka.No.A2/4270/2023 dated 19.07.2024 requesting the 5th respondent to remove the encroachments made by one Ramasamy (7th respondent herein) in the present writ petition. Thereafter, no action has been taken by the 3rd respondent till date. Hence, the present writ petition is filed.



5. A counter affidavit was filed by the 3rd respondent on 19.02.2025.

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6. Learned Government Advocate appearing for respondents 1, 2 & 4 as well as learned Additional Government Pleader appearing for R3 submits that respondents 3 and 4 will take appropriate action to remove the fencing made by the 7th respondent herein by conducting a detailed enquiry on the representation of the petitioner dated 01.07.2024 on merits and in accordance with law, within a time frame stipulated by this Court.

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

8. Without going into the merits of the case, the 3rd and 4th respondents are directed to consider the representation of the petitioner dated 01.07.2024 to remove the fencing made by the 7th respondent after conducting a detailed enquiry by giving due notice to the petitioner as well as the 7th respondent, affording an opportunity of personal hearing, taking into consideration all the relevant documents submitted by the parties in regard to the subject matter property and also a letter written by the 3rd



respondent to the 5th respondent dated 19.07.2024 to remove the fencing made by the 7th respondent 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.

02-04-2025

cda

Index: Yes/No

Speaking/Non-speaking order



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WP.No.39542 of 2



J.SATHYA NARAYANA PRASAD J.

cda

W.P.No.39542 of 2024

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