



W.P (MD).No.1817 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.1817 of 2025

and

W.M.P(MD)No.1309 of 2025

D.Jayalakshmi

...Petitioner

Vs.

1.The Regional Officer,
National Highways Authority of India,
2nd and 3rd Floor, Vijay Krishna Plaza,
No.1 Lake area, Melur Main Road,
Mattuthavani, Madurai-625 107.

2.The Project Director,
National Highways Authority of India,
Office of the Deputy General Manager cum
Project Director,
Plot No.3, Surya Towers 2nd Floor,
1st East Street, K.K.Nagar,
Madurai-625 020.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to restrain the respondents from constructing a toilet block in front of the petitioner's land in S.F.No.276/9 measuring an extent of 10 cents at Oruthattu Village, Nilakkottai Taluk, Dindigul District.

For Petitioner : Mr.S.Bharathi
For Respondents : Mr.P.Karthick
Standing Counsel



W.P (MD).No.1817 of 2025

ORDER

WEB COPY

This writ petition has been filed for a direction restraining the respondents from constructing a toilet block in front of the petitioner's land comprised in S.F.No.276/9 to an extent of 10 cents at Oruthattu Village, Nilakkottai Taluk, Dindigul District.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The petitioner owned vacant land to an extent of 10 cents comprised in S.F.No.276/9 situated at Oruthattu Village, Nilakkottai Taluk, Dindigul District. In front of the petitioner's land, the National Highways of India acquired the land and commenced the construction of toilet. The said toilet is completely obstructing the pathway to reach the petitioner's land. The petitioner is proposed to construct the commercial complex and if the toilet is constructed, it will be hindrance to the proposed commercial complex to be constructed by the petitioner.



W.P (MD).No.1817 of 2025

5. The learned counsel appearing for the petitioner would submit that the right of pathway is his fundamental right and as such, the construction of the toilet is completely blocking the petitioner's property.

6. The submission of the learned Standing counsel appearing for the respondents and on perusal of the photographs produced by the petitioner revealed that the toilet is constructing in the midway, that apart, it is not obstructing the petitioner's property. The petitioner's property has separate pathway. The only apprehension of the petitioner is that if the toilet is in operation, it would affect the petitioner's proposed construction of the commercial complex. The toilet is constructed for public convenience and as such, the request made by the petitioner cannot be considered and the writ petition is devoid of merits and it is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. The respondents 1 & 2 must ensure that there is a pathway to reach the petitioner's land. No costs. Consequently, connected miscellaneous petition is closed.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

23.01.2025



WEB COPY



W.P (MD).No.1817 of 2025

G.K.ILANTHIRAIYAN, J.

am

W.P (MD).No.1817 of 2025

23.01.2025