

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.16735 of 2015

G.Saravanan

.. Petitioner

-vs-

- 1.The Chief Executive Officer,
Office of the Cantonment Board,
St. Thomas Mount, Chennai-16.
 - 2.The Director,
Chennai Metro Rail Ltd.,
CMRL Depot,
Poonamallee High Road,
Koyambedu,
Chennai-600 107.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 2nd respondent not to interfere with the construction of A/C bus shelters and fixation of hoardings in Ashargana bus stop in GST road heading to Tambaram, St. Thomas Mount post office side (GST road), on either side of the Meenambakkam Metro railway station.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.C.Mohan

for
M/s.King & Partridge for R1
Mr.Jayesh B.Dolia for R2

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The contention of the petitioner is that they seek to instal Air Conditioned bus shelter with the advertisement displayed on that bus shelter similar to one which is on the other side of the road, but the second respondent/Chennai Metro Rail Limited is obstructing the same.

2. The learned counsel for the second respondent states that they are entitled to obstruct as that area has been handed over to them by the State Highways Authority for the purposes of the work to be done,

including installation of the bus shelter. The stand of the first respondent/Cantonment Board is that though the road belongs to State Highways, for the purposes of installation of the bus shelter, no permission yet has been granted.

3. We really fail to appreciate how the first respondent could give such rights to the petitioner when neither the land vests with them nor they have been granted any rights on their moving letters. If we may say so, the position is similar to the other connected batch of writ petitions being W.P.Nos.24694, 21462, 22059 and 22093 of 2015, decided on 18.08.2015, where unipolar hoardings rights were given to various contractors on the land belonging to the State Highways Authority.

4. The position, thus, is that the petitioner cannot make a grievance against the second respondent of not being permitted to construct the Air Conditioned bus shelter on the other side of the road.

5. At present, there is no effort to remove the Air Conditioned bus shelters already installed, but if it is done, naturally, the first respondent would have to compensate the petitioner appropriately.

6. The writ petition, accordingly, stands disposed of. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

bbr

To

1.The Chief Executive Officer,
Office of the Cantonment Board,
St. Thomas Mount, Chennai-16.

2.The Director,
Chennai Metro Rail Ltd.,
CMRL Depot,
Poonamallee High Road,
Koyambedu,
Chennai-600 107.

+1 cc to M/s.Jayesh B.Dolia, Advocate, sr.45078

+1 cc to King & Partridge, Advocate, sr.44865

+1 cc to Mr.V.Raghavachari, advocate, sr.45317

vsn(co)
kra(3/9)

W.P.No.16735 of 2015