

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1715 of 2016 and

WMP.No.1489 of 2016

Old Bus Stand Shop Merchants Associations,
Regd. No.5/2015, Vandavasi,
Rep. by its President,
Sheik Hussain, S/o.Sheik Dawood,
No.205, Bazaar Street, Vandavasi,
Thiruvannamalai District.

.. Petitioner

V.

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The Commissioner,
Vandavasi Municipality,
Vandavasi, Thiruvannamalai District.

3.The Regional Transport Office,
RTO Office, Cheyyar,
Thiruvannamalai District.

4.The Branch Manager,
Tamil Nadu Transport Corporation Limited,
Vandavasi Depot, Vandavasi Taluk,
Thiruvannamalai District.

5.The Deputy Superintendent of Police,
Vandavasi Town, Thiruvannamalai District.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 08.01.2016 by implementing the resolution No.89 of 2012 dated 31.08.2012 on the file of the second respondent herein merged with the undertaking given to this Court in W.P.No.28460 of 2012 dated 05.12.2012 by the second respondent herein by permitting all the buses to come into Old Bus Stand inside Vandavasi and thereafter the buses shall go to New Bus Stand, Vandavasi to secure the ends of justice.

For Petitioner .. Mr.R.Sankarasubbu
For Respondents 1,2 & 5 .. Mr.R.Lakshmi Narayanan
Additional Government Pleader
For Respondents 3 & 4 .. Mr.R.Paramasivados

ORDER

Heard Mr.R.Sankarasubbu, learned counsel for the petitioner; Mr.R.Lakshmi Narayanan, learned Additional Government Pleader accepting notice for respondents 1, 2 & 5 and Mr.R.Paramasivados, learned Standing Counsel accepting notice for respondents 3 & 4 and with their consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner is an Association consisting of members, who are small traders trading within the limits of Vandavasi Old Bus Stand.

3.The prayer sought for in this writ petition is to direct the respondents to implement the Resolution No.89 of 2012 dated 31.08.2012 passed by the 2nd respondent Municipality.

4.Earlier, the petitioner had approached this Court, by filing a writ petition in W.P.No.28460 of 2012, wherein a similar direction was sought for to implement the said Resolution dated 31.08.2012 and the decision taken in a peace committee convened earlier on 11.07.2012. The said writ petition was disposed of, by order dated 05.12.2012 taking into consideration the counter affidavit which was filed by the Vandavasi Municipality. The operative portion of the order reads as follows:

"5.In the light of the above stated position, though the petitioner-Association has a grievance with regard to the posting of a Time Keeper, after the establishment of the new bus stand, as per the Tamil Nadu Motor Vehicles Rules, it is not permissible. As regards the grievance put forth by the petitioner-Association with regard to the resolution taken in the peace committee meeting and the resolution of the fifth respondent, it is seen that they have resolved all the buses must come to the old bus stand and thereafter, should go to the new bus stand. The decision taken by the peace committee on 11.07.2012 in its resolution has also been considered by the fifth respondent in its resolution No.89, dated 31.8.2012, in and by which, the fifth

respondent has implemented the decision of the peace committee and also made a specific statement to that effect in the counter affidavit.

6. In view of the above statement of the fifth respondent in the counter affidavit that they have implemented the resolution of the peace committee meeting and the fifth respondent also passed a resolution in Resolution No.89, the grievance of the petitioner-Association in all respects as per the peace committee meeting and the resolution of the fifth respondent, has been implemented by the fifth respondent, and therefore, nothing further requires for adjudication in the matter. Recording the above statements of the fifth respondent, the Writ Petition is disposed of. No costs. The Miscellaneous Petition is closed."

5. The grievance of the petitioner is that in spite of such stand taken in the counter affidavit filed in the earlier writ petition, no positive steps have been taken by the Municipality to implement the resolution. Since the petitioner had come forward with the similar prayer to the earlier writ petition, at this juncture, one more writ of mandamus cannot be issued for the same relief. However, it is seen that the petitioner has submitted a representation to the District Collector and the same is pending.

6. In the light of the above, there will be a direction to the 1st respondent to consider the petitioner's representation dated 08.01.2016, take note of the observations made by this Court in the earlier writ petition (referred to supra) as well as the stand taken by the respondent Municipality. It is open to the District Collector to call for a report from the Commissioner of the respondent Municipality and thereafter, proceed to take a decision on merits and in accordance with law as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar (CSIII)

dt:22/01/2016

True Copy

Sub-Assistant Registrar

To

- 1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 2.The Commissioner,
Vandavasi Municipality,
Vandavasi, Thiruvannamalai District.
- 3.The Regional Transport Office,
RTO Office, Cheyyar,
Thiruvannamalai District.
- 4.The Branch Manager,
Tamil Nadu Transport Corporation Limited,
Vandavasi Depot, Vandavasi Taluk,
Thiruvannamalai District.
- 5.The Deputy Superintendent of Police,
Vandavasi Town, Thiruvannamalai District.

+1 cc to Government Pleader High Court Madras
sr.3218

+1 cc to Mr.R.Sankarasubbu Advocate sr.3494

W.P.No.1715 of 2016

aa22/01/2016

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