

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition Nos.29037 and 29038 of 2015
&
M.P.Nos.1,1 of 2015

N.Shanmugam ...Petitioner in W.P.29037 of 2015

N.Vijayanathan ...Petitioner in W.P.29038 of 2015

Vs.

1.The District Collector
Office of the District Collector
Erode District
Erode

2.The Assistant Director of Town Panchayat
Erode District
Erode

3.The Executive Officer
Kilampadi Town Panchayat
Erode District

...Respondents in both the Petitions

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents not to erect Bus shelter in front of the petitioners house and shops situated at No.201 and 243, Karumandampalayam main road, Kilambadi Town Panchayat, Erode District based on the petitioners representations dated 17.08.2015.

For Petitioners : Mr.K.T.S.Sivakumar

For Respondents : Mr.R.Rajeswaran,
Special Government Pleader
for R1 and 2

Mr.ERA.Premnath for R3

C O M M O N O R D E R

Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents.

2. Petitioners have filed the writ petitions seeking the following relief:

To direct the respondents not to erect Bus shelter in front of the petitioners shops situated at No.201 and 243, Karumandampalayam main road, Kilambadi Town Panchayat, Erode District based on the petitioners representations dated 17.08.2015.

3. The third respondent in his counter affidavit has stated that the petitioners have encroached the highways land and constructed house and shops and let out the same to third parties on monthly rent. It is further stated that utilizing the funds allotted to the local member of the legislative assembly, the bus shelter is to be erected for the welfare of traveling public.

4. As long as, the petitioners are unable to establish that they are in lawful possession of the property and got title over the property in question, the prayer sought for cannot be granted. The writ petitions are bereft of particulars and in the typed set or papers except for the copy of voter id no other documents has been produced to establish their title to the property. Hence the relief sought for by the petitioners cannot be granted. Writ petition is dismissed. No costs. Connected miscellaneous petitions are closed.

5. However, this will not prevent the petitioners from approaching the 3rd respondent on producing the documents of title to show that they are the owners of the property. If that is produced the 3rd respondent shall look into the same.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kpr

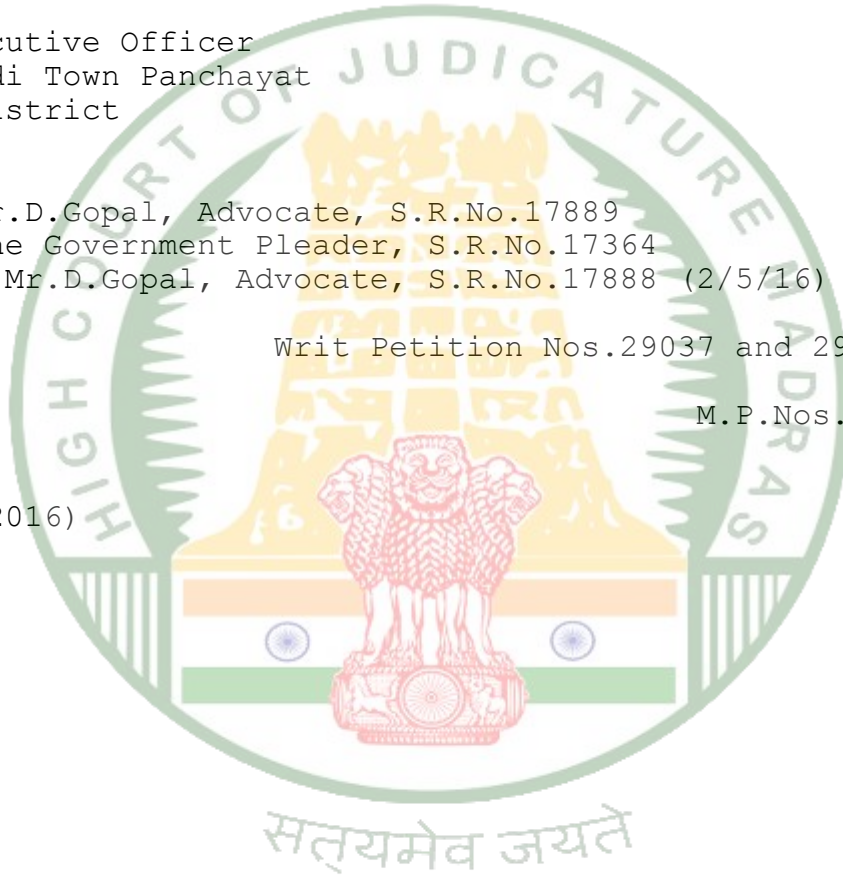
To

- 1.The District Collector
Office of the District Collector
Erode District
Erode
- 2.The Assistant Director of Town Panchayat
Erode District
Erode
- 3.The Executive Officer
Kilampadi Town Panchayat
Erode District

+1cc to Mr.D.Gopal, Advocate, S.R.No.17889
+1cc to the Government Pleader, S.R.No.17364
+ 1 cc to Mr.D.Gopal, Advocate, S.R.No.17888 (2/5/16)

Writ Petition Nos.29037 and 29038 of 2015
&
M.P.Nos.1,1 of 2015

SNS (CO)
CA(30/03/2016)



WEB COPY