

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.3.2016

CORAM

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

W.P.No.29324 of 2015 and  
M.P.No.1 of 2015

M/s.Hotel Sudhara  
87 Usman Road T.Nagar Chennai-600 017  
Rep by its Managing Partner K.Prabu .. Petitioner  
Vs

- 1 The Metropolitan Transport Corporation Rep. by its Managing Director Pallavan Salai, Chennai.
- 2 The Branch Manager Metropolitan Transport Corporation T.Nagar Depot, T.Nagar, Chennai-600 017.
- 3 The Assistant Manager Project and Development Metropolitan Transport Corporation Chennai-600 002.
- 4 The Commissioner Corporation of Chennai Rippon Buildings Egmore Chennai-600 008.
- 5 The Commissioner of Police Egmore Chennai.[R-5 is suo-motu impleaded as per Order Dated:16.09.2015 by N.K.K. J in WP.29324/2015 and MP.1/2015.]

.. Respondents

This Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus Directing the respondents to consider the representation dated 30.6.2015 and forbear the Respondents from their men servants or agents or anyone claiming under them from in any manner preventing or blocking the entrance of the petitioner hotel in Burkit Road and from using part of Burkit Road alongside petitioner property on the southern boundary at Door No.39 and 40 Burkit Road T.Nagar Chennai as Bus Bay No.147A 147b 147C and 147D for parking their buses.

For Petitioner : Mr.AR.L.Sundaresan Sr. counsel  
for Mrs.AL.Gandhimathi  
For R1 to R3 : Mr.Kannankumar  
For R4 : Mr.P.V.Selvakumar  
For R5 : Mr.R.Rajeswaran Spl.G.P

O R D E R

Heard Mr.AR.L.Sundaresan, learned senior counsel for the petitioner, Mr. P.Paramasivadosh, learned counsel for respondents 1 to 3, Mr. P.V.Selvakumar, learned counsel for 4<sup>th</sup> respondent/Corporation of Chennai and Mr.R.Rajeswaran, learned Special Government Pleader for the Commissioner of Police/5<sup>th</sup> respondent.

2. The petitioner is a hotel having its place of business at No.87 Usman Road, T.Nagar, Chennai-17 and they are aggrieved by the action of buses operated by Metropolitan Transport Corporation using the Burkit road alongside the petitioner's property on the southern boundary at Door No.39 and 40 Burkit Road as a Bus bay for Nos.147A, 147b, 147C and 147D for parking their buses. Initially, the Commissioner of Police was not a party to the petition and this Court suo motu impleaded the Commissioner of Police on 16.9.2015.

3. Though the writ petition has been pending since September 2015 and the learned counsel for the respondents has entered appearance, none of the respondents have placed their submissions by way of a counter affidavit. The petitioner is aggrieved by the action of the buses operated by Metropolitan Transport Corporations since the buses are unauthorizedly parked in that area, thereby virtually blocking the entrance to the petitioner's business place. The representations given by the petitioner to the hierarchy of authorities did not invoke any response. Therefore, they have come forward before this Court and filed this writ petition. Yet the respondents do not propose to respond by filing a counter affidavit.

4. In view of the silence maintained by the respondents, this Court does not propose to keep the matter pending any further and the following direction would meet the ends of justice.

"The Commissioner of Police, Chennai is directed to nominate a senior officer, who is in charge of the traffic arrangements in that area, preferably in the rank of Joint Commissioner of Police, who will conduct an inspection in that area in the presence of the

Managing Partner of the petitioner and the senior officer of Metropolitan Transport Corporation, the Branch Manager of the T.Nagar Depot, MTC as well as the Regional Deputy Commissioner of Corporation of Chennai, South zone and the inspection has to be conducted in an appropriate time preferably, during peak hours to ascertain the full facts. If there is blockage of entrance of the petitioner's premises, then proper direction should be given by the Joint Commissioner of Police (traffic) to the Metropolitan Transport Corporation to ensure that free ingress and egress to the petitioner's hotel is not blocked and the traffic in that area be regulated."

5. The above direction shall be complied with within a period of eight weeks from the date of receipt of a copy of this order.

6. Writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1 The Managing Director,  
Metropolitan Transport,  
Corporation,  
Pallavan Salai, Chennai.
- 2 The Branch Manager,  
Metropolitan Transport Corporation T.Nagar,  
Depot, T.Nagar, Chennai-600 017.
- 3 The Assistant Manager,  
Project and Development Metropolitan,  
Transport Corporation, Chennai-600 002.
- 4 The Commissioner,  
Corporation of Chennai Rippon Buildings,  
Egmore Chennai-600 008.

5 The Commissioner of Police,  
Egmore Chennai.

+1cc to Mr.P.Paramasivadoss, Advocate, S.R.No.14457  
+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.14126  
+1cc to the Government Pleader, S.R.No.14343

W.P.No.29324 of 2015

nm (CO)  
srg (17/03/2016)



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