

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

CORAM

The Honourable MR. JUSTICE N.KIRUBAKARAN

W.P. No.25661 of 2016
and
W.M.P No.21987 of 2016

M/s.Prime Estates Plantations (India) Pvt. Ltd.,
Rep.by its Director, Mrs.Farida Shaikhath,
Office at No.22, Tiruvottiyur High Road,
Chennai - 600 019.

... Petitioner

Vs

- 1.The Commissioner
Corporation of Chennai,
Rippon Buildings, Park Town,
Chennai - 600 003.
- 2.The Joint Commissioner, Zone 01,
Corporation of Chennai,
Tiruvottiyur, Chennai - 600 019.
- 3.The Chairman-Managing Director,
Chennai Metro Transport Corporation,
Pallavan Salai, Chennai - 600 002.
- 4.The Junior Engineer, Zone 01,
Corporation of Chennai,
Tiruvottiyur, Chennai - 600 019.
- 5.The Executive Engineer,
North Road Transport Dept.,
Chennai Corporation,
Rippon Building,
Chennai - 600 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing respondents 1 to 5 from constructing permanent bus shelter for the use of public as MTC Bus Stage Carriage Stop at Thangal Thiruvottiyur High Road abutting the property of the petitioner bearing Old Door No.109, previous Door No.(Old No.111) New Door No.22, Thiruvotriyur High Road, Sathangadu

Village, now known as Thangal, Chennai - 19 in consideration of written representation dt.10.10.2014 and 12.07.2016 to the respondents 1 to 4 and letter dated 18.07.2016 addressed to the fifth respondent raising objection in that regard.

For Petitioner : Mr.V.Manohar for
M/s.J.R.K.Bhavanantham

For R1, R2, R4 & R5 : Mr.P.V.Selvakumar
Additional Government Pleader

For R3 : Mr.M.Chidambaram

O R D E R

By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner has come up before this court seeking Writ of Mandamus directing the respondents not to put up a permanent bus shelter for MTC buses at Thangal Thiruvottiyur High Road abutting the property of the petitioner bearing Old Door No.109, previous Door No.(Old No.111) New Door No.22, Thiruvotriyur High Road, Sathangadu Village, now known as Thangal, Chennai - 19 .

3. Heard Mr.V.Manohar, learned counsel for the petitioner, Mr.P.V.Selvakumar, learned Additional Government Pleader who takes notice for the first, second, fourth and fifth respondent and Mr.M.Chidambaram, learned counsel who takes notice for the third respondent.

4. The learned counsel for the petitioner would contend that the petitioner is the owner of the property bearing Old Door No.109, previous Door No.(Old No.111) New Door No.22, Thiruvotriyur High Road, Sathangadu Village, now known as Thangal, Chennai - 19 and putting up bus shelter in front of the petitioner's property will block the ingress and egress to his property. He would further contend that no point of time the bus shelter was erected in front of the petitioner's property and for the first time, the respondent is taking steps to erect it.

5. After the respondent entered appearance, this Court, by order dated 01.08.2016 directed the respondents to measure the distance between the previous bus stop namely Toll Gate to Thangal Bus-stop and also the distance from Toll Gate to Raja Kadai Bus-Stop and file a report in regard thereto. As per the direction given by this Court, the distance between the two bus-

stops were measured and the centre place has been identified for installation of Thangal Bus-stop near Thiru Thangal Nadar Thirumana Mandapam. To that effect, an affidavit has been filed on behalf of the respondents 1, 2, 4 and 5 and the relevant paragraph 4 is usefully extracted below -

4. I respectfully submit that as per the direction of the Hon'ble High Court a new locataion for installation of Thangal Bus Stop towards Thiruvottiyur has been identified near Thiru Thangal Nadar Thirumana Mandapam, steps have been taken for installation of bus stop.

6. Since the Corporation decided not to erect any bus-stop opposite to petitioner's property and they intend to erect the same near Thiru Thangal Nadar Thirumana Mandapam which has been reflected in the affidavit filed by the Corporation, recording the same, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rgr

To

- 1.The Commissioner
Corporation of Chennai,
Rippon Buildings, Park Town,
Chennai - 600 003.
- 2.The Joint Commissioner, Zone 01,
Corporation of Chennai,
Tiruvottiyur, Chennai - 600 019.
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Corporation of Chennai,
Tiruvottiyur, Chennai - 600 019.

5.The Executive Engineer,
North Road Transport Dept.,
Chennai Corporation,
Rippon Building,
Chennai - 600 003.

+1cc to Mr.M.Chidambaram, Advocate, S.R.No.58407
+1cc to Mr.P.V.Selvakumar, Advocate, S.R.No.58704
+2cc's to Mr.V.Manohar, Advocate, S.R.No.58388

W.P. No.25661 of 2016

MG(CO)
CA(26/10/2016)



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