

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.5788 of 2016 and W.M.P. No.5125 of 2016

1 Ramaputhiran

2 Vedachalam Petitioners
Vs.

1 The Collector of Cuddalore District,
Cuddalore.

2 The Assistant Divisional Engineer,
(Highways Projects),
East Coast Road Scheme,
Cuddalore,
Cuddalore Taluk,
Cuddalore District.

3 The Commissioner,
Cuddalore Municipality,
Cuddalore,
Cuddalore Taluk,
Cuddalore District.

4 The Superintending Engineer,
Tamil Nadu Electricity Generation & Distribution Corporation
Capper Hills,
Cuddalore,
Cuddalore Taluk,
Cuddalore District.

5 The Assistant Engineer,
(Operation & Maintenance (Urban)),
Tamil Nadu Electricity Generation and Distribution
Corporation,
Manajakuppam,
Cuddalore - 1,
Cuddalore Taluk,
Cuddalore District.

6 The President,
Archana Pookkal Mahalir Suya Udhavik Kuzhu,
G.K. Complex,
Manjakuppam,
Cuddalore - 1,
Cuddalore Taluk,
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1 to 3 to remove the bunk shop installed by the sixth respondent on the road margin in front of T.S. No.1857/1, 1456 sq. ft. in Alpettai, Manjakuppam, Cuddalore - 1, Cuddalore Taluk, Cuddalore District.

For petitioners Mr. D. Baskar

For RR 1- 3 Mrs. A. Srijayanthi
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for respondents 1 to 3. Notice to other respondents is dispensed with at this stage, inasmuch as no order, prejudicial to their interest, is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioners and the learned Special Government Pleader appearing for respondents 1 to 3, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondents 1 to 3 to remove the bunk shop installed by the sixth respondent on the road margin in front of T.S. No.1857/1 in Alpettai, Manjakuppam, Cuddalore - 1, Cuddalore Taluk, Cuddalore District.

3 The petitioners' grievance is that a bunk shop has been put up by the sixth respondent on the public road, causing obstruction in the free movement of the public using the said road. They have addressed a representation dated 25 November 2015 to all the respondents, including the sixth respondent, to initiate action for removal of the alleged obstruction on the said road. According to the petitioners, no permission has been granted for the running of the said bunk shop and also, the bunk shop is not operational.

4 Be that as it may, on the allegations of the petitioners, no adjudication is necessitated. In such view of the matter, we direct the respondents 1 to 3 to look into the petitioners' grievance and the allegation made by the petitioners and ensure that appropriate orders are passed. It is further necessary to see that whether the alleged bunk shop has been in existence for more than six months and also whether the said bunk shop is entitled to protection under the judgment of the Division Bench of this Court, wherein, one of us (Satish K. Agnihotri, J.) was a Member in B.Noor Ahmed and Others vs. State of Tamil Nadu, represented by its Secretary, Chennai - 9 and others¹. The entire exercise shall be completed as expeditiously as possible.

The writ petition stands disposed of with the above directions. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1 The Collector of Cuddalore District,
Cuddalore.
- 2 The Assistant Divisional Engineer,
(Highways Projects),
East Coast Road Scheme,
Cuddalore,
Cuddalore Taluk,
Cuddalore District.
- 3 The Commissioner,
Cuddalore Municipality,
Cuddalore,
Cuddalore Taluk,
Cuddalore District.

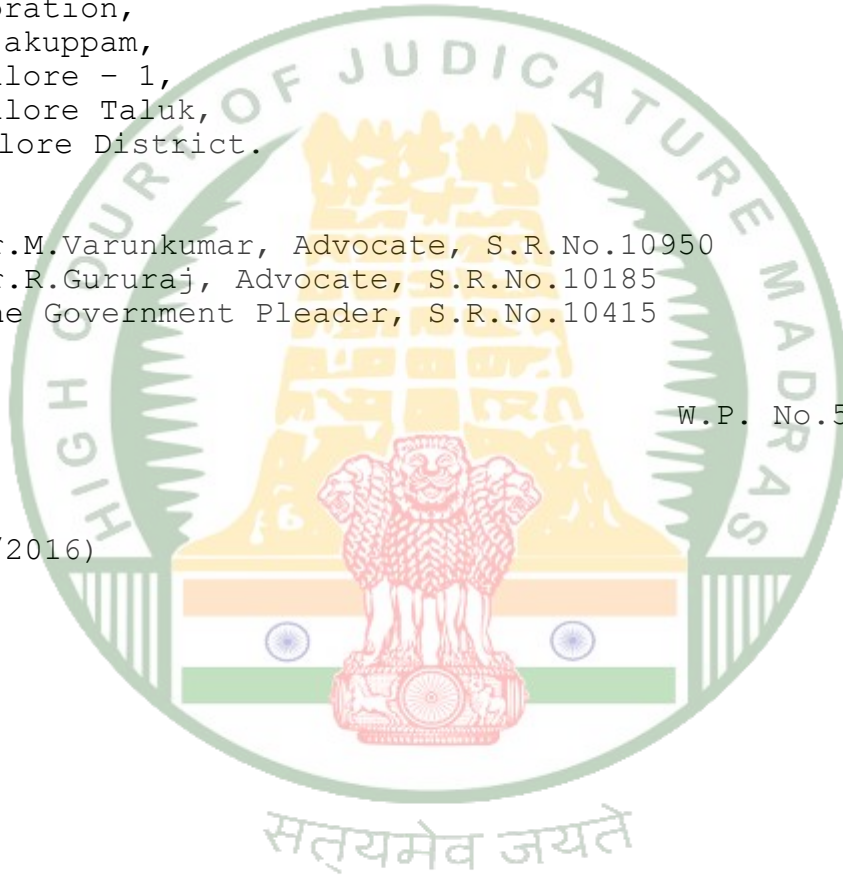
1 (2015) 7 MLJ 860

- 4 The Superintending Engineer,
Tamil Nadu Electricity Generation & Distribution Corporation
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- 5 The Assistant Engineer,
(Operation & Maintenance (Urban)),
Tamil Nadu Electricity Generation and Distribution
Corporation,
Manajakuppam,
Cuddalore - 1,
Cuddalore Taluk,
Cuddalore District.

+1cc to Mr.M.Varunkumar, Advocate, S.R.No.10950
+1cc to Mr.R.Gururaj, Advocate, S.R.No.10185
+1cc to the Government Pleader, S.R.No.10415

W.P. No.5788 of 2016

rsy(CO)
srg(03/03/2016)



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