



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.21489 of 2015

and

M.P (MD) Nos.1 and 2 of 2015

I.Perumal

.. Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Virudhunagar District,
Virudhunagar.

2.The Divisional Engineer (H),
Construction and Maintenance,
Highways Department,
Virudhunagar.

3.The Executive Officer,
Kariapatti Town Panchayat,
Kariapatti,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the third respondent from constructing any commercial shops, etc., in the Passenger Waiting Shed constructed near Kariapatti Bus Stand on Madurai to Tuticorin Road, Kariapatti, Virudhunagar District and consequently direct the third respondent to remove the construction already made in the Passenger Waiting Shed by considering the petitioner's representation dated 27.11.2015.

For Petitioner

: Mr.M.Kannan

For Respondents 1 and 2

: Mr.D.Muruganantham,
Additional Government Pleader.

For Respondent No.3

: No appearance

ORDER



Constitution of India praying to issue a writ of mandamus to restrain the third respondent from converting the Passenger Waiting Shed into commercial complex, which situates near Kariapatti Bus Stand.

2. It is averred in the petition that a Passenger Waiting Shed has been constructed on Madurai to Tuticorin Road, near Kariapatti Bus Stand, Virudhunagar District. Now the third respondent viz., Executive Officer, Kariapatti Town Panchayat, Kariapatti, Virudhunagar District has attempted to convert the same into commercial shops. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3. The learned counsel for the petitioner has contended that on Madurai to Tuticorin Road, in Kariapatti a Passenger Waiting Shed has been constructed near Kariapatti Bus Stand. Now all of a sudden, the third respondent viz., Executive Officer, Kariapatti Town Panchayat, Kariapatti, Virudhunagar District has made arrangements to convert the same into commercial shops. Under the said circumstances, the present petition has been filed for getting the relief sought therein.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 has also equally contended to the effect that the Passenger Waiting Shed mentioned in the petition has been constructed only by the third respondent and adjacent to the same, the third respondent has made arrangements to put up a milk booth and under the said circumstances the relief sought in the petition cannot be granted.

5. On the basis of the divergent submissions made on either side, the Court can easily discern that the property in dispute is the absolute property of Highways Department and further it is seen from the records that already a Passenger Waiting Shed has been constructed for the beneficial enjoyment of passengers.

6. The only gravamen expressed on the side of the petitioner is that the third respondent is going to convert the Passenger Waiting Shed into commercial shops.

7. Considering the fact that already a Passenger Waiting Shed is in existence near Kariapatti Bus Stand and the same is being used by the passengers, question of conversion does not arise. Under the said circumstances, the third respondent can be restrained from converting the Passenger Waiting Shed into commercial shops and therefore the present writ petition is liable to be allowed.

<https://hcservices.ecourts.gov.in/hcservices/>

8. In fine, this writ petition is allowed without costs and the third respondent is strictly directed not to convert the



Passenger Waiting Shed into commercial shops, situates near Kariapatti Bus Stand. Consequently, connected Miscellaneous Petitions are closed.

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/True Copy/

Sd/-

Assistant Registrar(Records)

Sub-Assistant Registrar

To

1.The District Collector,
Office of the District Collector,
Virudhunagar District,
Virudhunagar.

2.The Divisional Engineer (H),
Construction and Maintenance,
Highways Department,
Virudhunagar.

3.The Executive Officer,
Kariapatti Town Panchayat,
Kariapatti,
Virudhunagar District.

+One cc to M/s.K.Kannan, Advocate, SR.No.79297

+One cc to The Special Government Pleader, SR.No.79710

smn

RL/6C/3P/SKS/RR/14.12.2016

ORDER MADE IN
W.P (MD) No.21489 of 2015
and
M.P (MD) Nos.1 and 2 of 2015

05.12.2016