



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.13707 of 2016

and

W.M.P. (MD) No.10200 of 2016

R.Balakrishnan : Petitioner

Vs.

1.The Commissioner,
Tiruchirapalli Municipal Corporation,
Tiruchirapalli.

2.The Executive Engineer,
Tiruchirapalli Municipal Corporation,
Srirangam Division, Trichy.

3.The Assistant Commissioner,
Tiruchirapalli Municipal Corporation,
Srirangam Division, Trichy. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from removing the Kamachiamman Kovil Auto Stand situated at Chinnayya Pillai Chathiram Back side at Chathiram Bus Stand, Trichy, on the basis of the petitioner's representation dated 20.05.2016.

For Petitioner	: Mr.B.Jameel Arasu
For Respondents 1&3	: Mr.A.K.Baskarapandian, Additional Government Pleader
For Respondent No.2	: Mr.N.S.Karthikeyan, Additional Government Pleader

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The Trichirappalli Municipal Corporation established an auto stand at Chathiram Bus Stand, Trichy, vide resolution No.198, dated 28.04.1999. The petitioner has come up with this Writ Petition with an apprehension that the Municipal Corporation is taking efforts to re-locate the auto stand to help the promoters of the nearby shopping complex. The prayer is to restrain the respondents from removing or re-locating the Kamachiamman Kovil Auto Stand situated at Chinnayya Pillai Chathiram Back Side at Chathiram Bus Stand, Trichy.



2. The Commissioner, Trichirapalli Municipal Corporation, is present in Court today. The Commissioner filed an affidavit duly signed by the Assistant Commissioner, Tiruchirappalli Municipal Corporation, indicating that the Corporation has no intention to shift the auto stand in question.

3. The Commissioner, who appeared before us in person, submitted that the promoters of Periyasamy Tower, which is situated adjacent to the auto stand, made an attempt to encroach upon a portion of the public property. The Corporation took immediate action and removed the encroachment made by the owner of Periyasamy Tower, which is stated to be a Commercial Complex. According to the Municipal Commissioner, the auto stand was established long back, pursuant to the resolution passed by the local body and as such, there is no question of shifting or re-locating the auto stand. The Commissioner, by way of a clarification, informed us that the land, where the auto stand is presently situated, belongs to the Highways Department.

4. We have heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.

5. The documents available on record clearly show that the Tiruchirappalli local authority passed a resolution on 28.04.1999 for establishing an auto stand at Chinnayya Pillai Chathiram back side at Chathiram Bus Stand, Trichy. The resolution was translated into action by establishing the auto stand. We are informed that the auto stand is helpful to the travelling public as it is situated very near to the Chathiram Bus Stand.

6. The counter-affidavit filed by the Assistant Commissioner, Tiruchirapalli Municipal Corporation and the submissions made by the petitioner clearly indicate that attempt was made by the promoters of Periyasamy Tower to grab the public property. The Corporation took immediate action and encroachment was removed. In view of the counter-affidavit filed by the Assistant Commissioner and the submission made by the Commissioner, Tiruchirapalli Municipal Corporation, there is no basis for the apprehension raised by the petitioner with respect to the closure of auto stand or its re-location.

7. The auto stand in question was established way back in the year 1999. The auto stand is of great help to the commuters given its strategic location and nearness to the bus stand. We direct the Corporation and the Highways Department not to shift the auto stand as the same would not be in public interest. We, further, direct the Commissioner, Tiruchirapalli Municipal Corporation and the Highways Department to see that the adjacent owners of the property including Periyasamy Tower does not encroach upon the public property, so as to cause problem to the public and the auto rickshaw drivers, who are using the auto stand in question.

8. We express our appreciation of the efforts taken by the Commissioner, Tiruchirapalli Municipal Corporation to remove the



encroachment made by Periyasamy Tower and her fair stand before this Court with regard to the location of the auto stand and decision not to shift it to any other place.

9. The Writ Petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Commissioner,
Tiruchirapalli Municipal Corporation,
Tiruchirapalli.
- 2.The Executive Engineer,
Tiruchirapalli Municipal Corporation,
Srirangam Division, Trichy.
- 3.The Assistant Commissioner,
Tiruchirapalli Municipal Corporation,
Srirangam Division, Trichy.

+1cc to Mr.N.S.KARTHIKEYAN,Advocate Sr.No.42341

SML

AA/DB/SAR-III/11.08.2016/3p-5c

Order made in
W.P. (MD) No.13707 of 2016
Dated: 05.08.2016