



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. (MD) No.3334 of 2016 and
W.M.P. (MD) .No.2913 of 2016

P.Krishna Moorthy

... Petitioner

Vs.

1. The District Collector,
Thanjavur Collectorate,
Thanjavur District.

2. The Deputy Divisional Engineer,
Highways Development,
Thiruvaiyuru Taluk, Thanjavur District.

3. The Block Development Officer,
Block Development Office,
Thiruvaiyuru Taluk,
Thanjavur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to forbear the respondents from constructing the bus stop obstructing petitioner's pathway at Survey No.166 2/B5 at Thiruchotrathurai Village, Thiruvaiyuru Taluk, Thanjavur District and to direct the respondents to put up bus stop at poramboke in front of petitioner's land at Survey No.166 2/B6 at Thiruchotrathurai Village, Thiruvaiyuru Taluk, Thanjavur District.

For Petitioner : Mr.M.R.Srinivasan

For R1 & R2 : Mr.S.Kumar

Additional Govt. Pleader

For R3 : Mr.Ayiram K.Selvakumar

Govt. Advocate

ORDER

The Writ Petition has been filed for a Writ of Mandamus forbearing the respondents from constructing the bus stop obstructing the petitioner's pathway at Survey No.166 2/B5 at Thiruchotrathurai Village, Thiruvaiyuru Taluk, Thanjavur District and to direct the respondents to put up bus stop at poramboke in front of petitioner's land at Survey No.166 2/B6 at Thiruchotrathurai Village, Thiruvaiyuru Taluk, Thanjavur District.



that the petitioner has encroached the adjoining property of his land which belongs to the Highways Department and a portion of encroachment has already been removed. The present bus stop is constructed only in the Highways property. Now the apprehension of the petitioner is that the construction of the bus stop will affect the ingress and egress to his land. But the property belongs to the petitioner running to 100 feet and the bus stop is only to the length of around 15 to 20 feet. Further, the petitioner cannot claim any right over the property in which encroachment has already been removed and the public has also given a lot of complaint for removing of the earlier encroachment.

3. The learned counsel for the petitioner fairly submitted that portion of encroachment has already been removed and the petitioner has also no objection for removing the further encroachment. But the only apprehension of the petitioner is that by putting up the bus stop, his direct ingress and egress will be affected, because the other half of the property is owned by his brother and later on he will object.

4. This Court is of the view that the objection raised by the petitioner cannot be a reason to stop the construction of the bus stop and it is of public importance and the portion which is admittedly put up is owned by the Highways Department. The ingress and egress of the land belongs to the petitioner will not be affected in any way as it is not a closed bus stop.

5. In view of the same, the writ petition is not maintainable and the same is dismissed. However, if there is any inconvenience to the petitioner, it is open to him to approach the authorities concerned. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Thanjavur Collectorate,
Thanjavur District.

2. The Deputy Divisional Engineer,
Highways Development, Thiruvaiyuru Taluk, Thanjavur District.

3. The Block Development Officer,
Block Development Office, Thiruvaiyuru Taluk, Thanjavur District.

+1cc to Spl.GOvernemnt Pleader Sr.No. 9798

akv

AA/SK-SKN/04.03.2016/2p-5c