

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE Mr.JUSTICE M.SUNDAR

W.P.No.24671 of 2017
and

WMP.Nos.26031 & 26032 of 2017

H.Rajesh

... Petitioner

Vs.

1. The State,
rep. by the Secretary to Government,
Municipal Administration and Rural Department,
Secretariat, St. George Fort,
Chennai.
2. The Director,
Town Panchayats,
Kuralagam, Chennai.
3. The District Collector,
Office of Collectorate,
Villupuram District,
Villupuram.
4. The Assistant Director of Town Panchayats,
Cuddalore Region,
Cuddalore.
5. The Assistant Director of Town and
Country Planning,
Villupuram Region,
TADCO Building G.H. Road,
Villupuram - 605 602.
6. The Assistant Engineer,
Public Works Department (PWD)
Tirukoilur,
Villupuram District.
7. The Executive Officer,
Tirukoilur Town Panchayat,
Tirukoilur,
Villupuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the third respondent's order in Na.Ka.Na.2137/2016/Town Panchayt.3 dated 11.8.2017 and quash the same and direct the 1st and 2nd respondents to conduct enquiry on the basis of the petitioner's representation dated 19.07.2016 and to take appropriate action against the 6th and 7th respondents in accordance with law expeditiously within a time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.H.Rajesh
Party in person

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner, who is a practising lawyer, has filed this public interest litigation, seeking to challenge the order of respondent No.3 dated 11.8.2017 with consequential reliefs.

2. The petitioner, who is appearing in person, would submit that it is the case where even without permission from respondent No.2, construction of new bus stand was completed. Not only that, construction was made contrary to the approved plan. The existing construction was demolished and thereafter, new construction was made. Since illegality having been committed by the public authorities, the order impugned dated 11.8.2017 will have to be set aside and consequently, other reliefs as sought for in the writ petition will have to be granted.

3. We do not find any merit in this writ petition. A perusal of the impugned order would show that it was found not convenient to continue with the operation of old bus stand being grossly inadequate. Old bus stand was functioning in an extent of 1975 square metres and new bus stand was constructed in an extent of 6150 square metres. The perusal of the impugned order would also show that the old bus stand was constructed 63 years back. Now, new bus stand was constructed with all modern facilities, including toilet, police station and places meant for public amenities such as clock room etc.

4. Admittedly, in the case on hand, permission has in fact been granted. The petitioner has not put in challenge the permission granted. It is not as if the discretionary jurisdiction of this Court can be invoked for every possible violation. What has to be seen is involvement of public

interest. When once construction is made after having found that the old bus stand is no longer convenient to operate for the aforesaid purpose, no interference is required at the hands of this Court. This Court, does not find any serious violation warranting interference. Now, new bus stand is functioning catering to the needs of general public. Thus, we do not find any violation in the order under challenge and the writ petition is liable to be dismissed.

5. Accordingly, the writ petition is dismissed. However, considering the submission made by the petitioner, respondent No.3/District Collector, Villupuram is directed to consider feasibility of allotting space to be used as waiting hall for passengers. Appropriate orders in this regard shall be passed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, W.M.P.Nos.26031 & 26032 of 2017 are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Municipal Administration and Rural Department,
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2. The Director,
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7. The Executive Officer,
Tirukoilur Town Panchayat,
Tirukoilur,
Villupuram District.

+lcc to Mr.K.T.S.Sivakumar, Advocate, S.R.No.77393

+lcc to the Government Pleader, S.R.No.76933

W.P.No.24671 of 2017

MSM(CO)
CA(09/11/2017)



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