

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.29662 of 2017

& WMP No.31958 & 31959 of 2017

Sree Amman Trust,
Rep. by it's President
T.Jeyalakshmi

.. Petitioner

Vs.

The Erode Municipal Corporation,
Rep. by its Commissioner,
Office of Erode Corporation,
Erode.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed in Naka.No.E2 958/2007, dated 31.07.2017 on the file of the respondent and quash the same as devoid of merits and direct the respondent to provide pathway to the petitioner through the main entrance of the Erode Bus Stand.

For Petitioner : Mr.P.R.Balasubramanian
For Respondent : Mr.M.Raja Mathivanan

ORDER

The petitioner has come forward with this writ petition to call for the records pertaining to the order passed in Naka.No.E2 958/2007, dated 31.07.2017 on the file of the respondent and quash the same as devoid of merits and direct the respondent to provide pathway to the petitioner through the main entrance of the Erode Bus Stand.

2. According to the petitioner-Trust, it serves under-privileged students and people by providing Education and training in self employment. The petitioner-Trust has made representation with regard to providing road to their property. As the same was not considered, the petitioner has earlier approached this Court in W.P.No.11508 of 2017 and this Court by order dated 05.06.2017 had directed the respondent to consider the representation of the petitioner, which was rejected by the respondent through its communication dated 31.07.2017.

3. According to the petitioner, on the Southern side of the petitioner's property, Erode Corporation Bus Stand is situated at the length of 196 feet and the petitioner's property is situated at 600 feet away from the Main Road. As there is no way for ingress and egress to the petitioner's property and that only 10 Feet pathway given is a mud road, the petitioner requested for access to their property by directing the respondent to provide pathway of 40 Feet by imposing condition (s).

4. According to the petitioner, in case of any emergency, even ambulance van and fire fighting vehicle cannot enter into the properties and there is no four wheeler access available to the properties. That apart, on account of TASMAL Shop situated in the small lane, the bottles are thrown and the people are unable to use the path. Though this submission is not in the affidavit, it is verbally submitted by the learned counsel for the petitioner. According to the petitioner, it is the duty of the respondent to provide ingress and egress to the petitioner property and that there is no path for the petitioner property.

5. The learned counsel for the respondent has submitted that the petitioner's request for pathway in the bus stand to reach his property has been considered and it has been categorically stated that if any pathway is given, there is a possibility of stampede and accident and for the ingress and egress to petitioner's property, there is no provision to convert path of the bus stand into common pathway.

6. Taking note of the above facts, the request of the petitioner that there should be a pathway on the one side of the property by reducing the extent of the bus stand, cannot be accepted. The writ petition is dismissed accordingly. No costs. Consequently, connected miscellaneous petitions are closed. Admittedly, there is pathway even according to the petitioner through which they can walk, even though there is no pleadings with regard to the TASMAL Shop and throwing bottle on the roads, the respondent shall ensure that there will be no inconvenience to the passer-by in the 10 Feet road on account of TASMAL Shop

and the Corporation shall ensure that the consumers do not throw the bottle on the road which will be dangerous to the pedestrians and passer-by.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

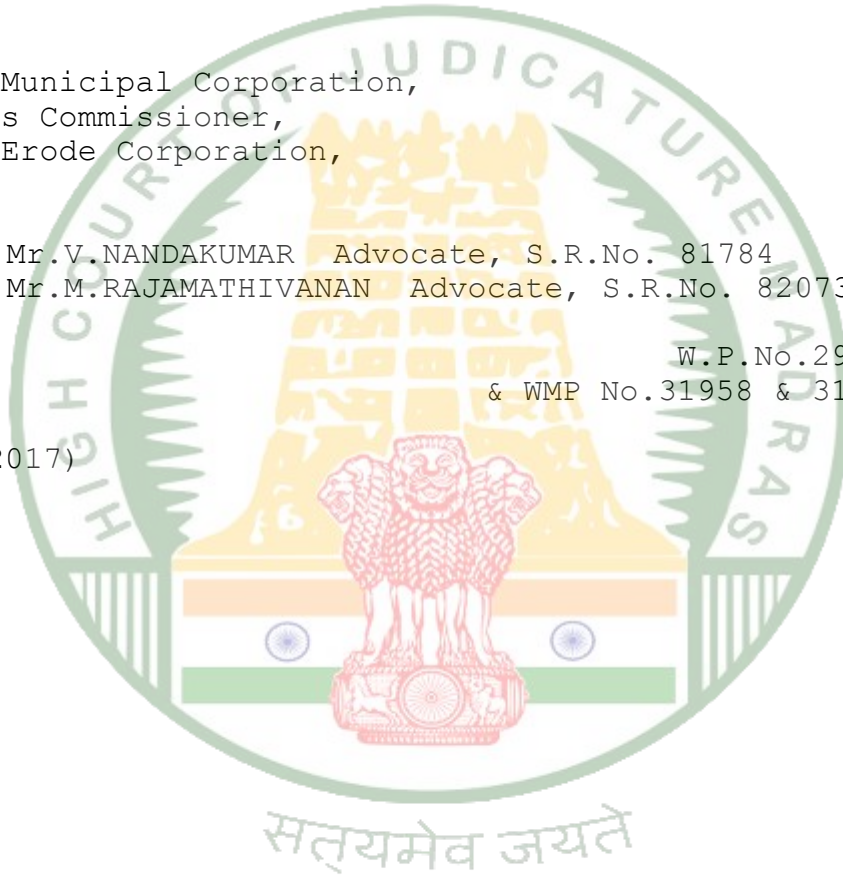
pvs

To
The Erode Municipal Corporation,
Rep. by its Commissioner,
Office of Erode Corporation,
Erode.

+1cc to Mr.V.NANDAKUMAR Advocate, S.R.No. 81784
+1cc to Mr.M.RAJAMATHIVANAN Advocate, S.R.No. 82073

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TR(18/12/2017)



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