



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.09.2017

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14129 of 2017

A.Sankaralingam : Petitioner
Vs.

1.The District Collector,
Collectorate, Thoothukudi.

2.The Commissioner,
Kovilpatti Municipality,
Thoothukudi District.

: Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to remove the encroachments made by the encroachers in and around the Anna Bus Stand, Kovilpatti, and to construct remaining portion of the boundary wall on the south side of the Anna Bus Stand and to fix a revolving gate in the south side of the bus stand and secure the passengers with immediate effect without any delay.

For Petitioner : Mr.M.Maran

For Respondent No.1 : Mr.T.S.Md.Mohideen
Additional Government Pleader

For Respondent No.2 : Mr.N.Dilip Kumar

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioner has filed this petition in public interest. It is his grievance that though the Kovilpatti Municipality passed a resolution to renovate the Anna Bus Stand and a sum of Rs.9,90,000/- (Rupees Nine Lakhs and Ninety Thousand only) was also allotted for constructing a compound wall to the south side of the bus-stand. The construction was not yet completed. He therefore seeks a direction for removal of the encroachment and for construction of the remaining portion of the boundary wall on the southern side of the Anna Bus-stand.



2.The second respondent / the Commissioner, Kovilpatti Municipality filed the counter affidavit. In the counter affidavit, it is pointed out that the Kovilpatti Arignar Anna Bus-stand is located in Town Survey Nos.7, 26, 27, 28, 29 part and 30. It has an entry point and two exit points in the middle of the land. There is a landed property belonging to Gandhi Memorial Trust in Town Survey No.29 Part. They had donated a portion of the land to connect the eastern and western portions of the bus stand area. They still retained the balanced land with them both in the northern side and the southern side. The donated land of 14 cents that falls in between. If the construction of the wall is completed, the four shops put up by the Trust and the southern side cannot have any pathway. The allegations regarding encroachment have been denied.

3.As regards the provision of gate, it is a subject matter of civil suit in O.S.No.21 of 2014. But, it is submitted by the Municipality that the shops have been constructed without any planning approval. Since the shops put up by the Trust are unapproved, Kovilpatti Municipality can very well proceed to complete the construction of the remaining portion of the boundary wall and the southern side of the Anna Bus Stand.

4.The petitioner has filed a typed set of papers in which communication dated 17.03.2017 from the Tahsildar, Kovilpatti is enclosed. The Municipal Commissioner has also addressed the letter dated 17.05.2017 in this regard to the local police. Relying on the said two official communications, this writ petition has been filed. The Trust in question has not been made a party to the writ petition. Since it is stated by the learned counsel for the Municipality that the construction put up by the trust are without any planning approval, this Court directs the second respondent to take action in the matter in accordance with law in respect of the said unauthorised constructions. If the constructions in question are removed, the second respondent can certainly take further action to complete the remaining construction. The entire exercise shall be expedited by the second respondent.

6.With this direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Collectorate,
Thoothukudi.

2.The Commissioner,
Kovilpatti Municipality,
Thoothukudi District.

+1cc to M/S.N.DILIP KUMAR, Advocate SR.No.78968

+1cc to M/S.M.MARAN, Advocate SR.No.79438

+1cc to Special Government Pleader, SR.No. 79328

tsg

MAS/KP/SAR2:02.11.2017:3P-6C

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