



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.18474 of 2017

and

W.M.P(MD)No.14912 of 2017

Mr.S.Kanaga Sabapathy

: Petitioner

.vs.

- 1.The District Collector/The Regional Transport Authority,
O/o.The District Collector,
Nagercoil,
kanyakumari District.
- 2.The Divisional Manager,
The National Highways Authority of India(NHAI),
Nagercoil,
Kanyakumari District.
- 3.The Regional Transport Officer(RTO),
Regional Transport Office,
Visuvasapuram,Vellamadam,
Kanyakumari District.
- 4.The Managing Director,
Tamil Nadu State Transport Corporation(Tirunelveli Division),
Tirunelveli Post,
Tirunelveli District.
- 5.The General Manager,
Tamil Nadu State Transport Corporation(Tirunelveli Division),
Rani Thottam Depot,
Nagercoil,
Kanyakumari District.



6.The Branch Manager,
Tamil Nadu State Transport Corporation(Tirunelveli Division),
Rani Thottam Depot,
Nagercoil,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying this Court for issuance of a Writ of Mandamus directing the respondents to restore the Town Bus Stop situated in front of Immanuel Hospital, Nagercoil to its earlier location.

For Petitioner :Mr.T.Lajapathi Roy

For R-1 & R-3 :Mr.T.R.Janarthanan,
Additional Government Pleader

For R-2 :Mr.R.Rajagopal

For R-4 to R-6 :Mr.K.Sathiyasingh

O R D E R

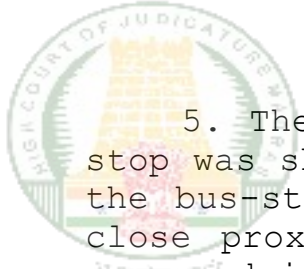
[Order of the Court was made by M.VENUGOPAL, J.]

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents to restore the Town Bus-Stop situated in front of Immanuel Hospital, Nagercoil, to its earlier location.

2.Heard both sides. No counter-affidavit is filed on behalf of the Respondents.

3.By consent, the main Writ Petition itself is taken up for final disposal.

4.According to the Petitioner, he is a resident of Nagercoil and in Therekal Puthoor, in between Srinivasa Hospital and Immanuel Hospital, a town bus-stop is functioning for the past five years and members of the public and others were benefited from the use of the said bus-stop. In fine, the bus-stop is used by patients and hospital staff and the bus-stop was proposed to be shifted to a new place and objecting the same, various representations were made to the first Respondent. In spite of protest and best endeavours of local people, the first Respondent has proposed to shift the bus-stop to near Akshya Garden. This source has brought to the knowledge of the Petitioner through paper news dated 23.08.2017.



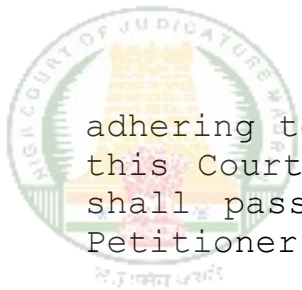
5. The specific case of the Petitioner is that the said bus-stop was shifted to near Akshya Garden and the new location, where the bus-stop has been shifted, has a Power Transformer at a very close proximity of ten feet and therefore, a fatal accident had occurred in the year 2011 due to the said Power Transformer. As a matter of fact, the newly shifted bus-stop does not possess a roof, however, the previous bus-stop was well roofed and was located in a safe and convenient location to the common public.

6. Apart from the above, the Learned Counsel for the Petitioner brings it to the notice of this Court that on 20.08.2011, a fatal accident took place near the bus-stop claiming the life of the driver. Due to the said impact, the said Power Transformer was damaged and the high tension power lines running through the Power Transformer were cut off from the Transformer.

7. The core grievance of the Petitioner appears to be that the newly shifted bus-stop is at a close proximity to the damaged Power Transformer and the high tension power lines, which were cut off, may result in another accident. In this regard, the Petitioner had addressed a representation dated 09.09.2017 to the first Respondent/District Collector/Regional Transport Authority, Nagercoil, Kanyakumari District, seeking to restore the said bus-stop to its previous/erstwhile location. The said representation was not considered by the first Respondent till date.

8. At this juncture, the Learned Additional Government Pleader appearing for Respondent Nos.1 and 3 submits that if a specific time limit is determined by this Court by requiring the first Respondent/District Collector/Regional Transport Authority, Nagercoil, Kanyakumari District, to dispose of the representation of the Petitioner dated 09.09.2017, the first Respondent will immediately look into the representation of the Petitioner dated 09.09.2017 and will pass necessary orders on merits, of course, after issuing necessary notice to the Petitioner and others concerned after adhering to the principles of natural justice.

9. Considering the fact that the Petitioner has prayed for only a limited relief in the present Writ Petition, namely praying for passing of an order in directing the first Respondent to look into the representation of the Petitioner dated 09.09.2017, this Court simpliciter at this stage, on the basis of equity, fair play, good conscience and even as a matter of prudence, directs the first Respondent to look into the representation of the Petitioner, dated 09.09.2017 within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the first Respondent after issuing necessary notice to the Petitioner and others concerned in the subject matter in ~~in case of court should~~ pass necessary orders on merits, in a qualitative and quantitative terms assigning necessary reasons, advertent to all the facts and legal pleas raised by the Petitioner and after



adhering to the principles of natural justice. It is needless for this Court to make a pertinent mention that the first Respondent shall pass necessary orders based on the representation of the Petitioner within four weeks thereafter.

10. With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar.

To

1. The District Collector/The Regional Transport Authority,
O/o. The District Collector,
Nagercoil,
Kanyakumari District.

2. The Divisional Manager,
The National Highways Authority of India (NHAI),
Nagercoil,
Kanyakumari District.

3. The Regional Transport Officer (RTO),
Regional Transport Office,
Visuvasapuram, Vellamadam,
Kanyakumari District.

+1CC to Mr. R. Rajagopal, Advocate, SR.No.82217
+1CC to Mr. K. Sathiya Singh, Advocate, SR.No.81991
+1CC to Mr. T. Lajapathi Roy, Advocate, SR.No.82074
+1CC to the Special Government Pleader SR.No.82128

ORDER MADE IN
W.P. (MD) No. 18474 of 2017
09.10.2017

pm

AM/SV MMS/SAR 2/24.10.2017/4P/8C