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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2017

CORAM:

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

W.P.(MD)No.21352 of 2017

N.Thirukumaran : Petitioner

.vs.

1. The District Collector,
   Madurai District,
   Madurai.

2. The Superintending Engineer,
   National Highways Authority, NH7,
   K.Pudur, Madurai.

3. The Divisional Engineer,
   National Highways No.7,
   Thallakulam, Madurai – 625 002.

4. The Tahsildar,
   Thirupparankundram Taluk,
   Madurai-625 006.

5. The Block Development Officer,
   Thirupparankundram,
   Madurai – 625 006. : 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 1 to 5 to put up the shadow shed at Madurai Thirumangalam NH7, Puliyangulam Junction, Madurai on the basis of the representation dated 04.09.2017 given by the Petitioner.

For Petitioner : M/s.K.Malathi
For Respondents 1 to 4 : Mr.M.Govindan
Special Govt.Pleader
For Respondent-5 : Mr.R.Karthikeyan
Addl.Govt.Pleader

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O R D E R

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[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 1 to 5 to put up the shadow shed at Madurai Thirumangalam NH-7, Puliyangulam Junction, Madurai on the basis of the representation, dated 04.09.2017 given by the Petitioner.

2.Heard both sides. No counter 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, there is a famous bus-stand constructed for the use of general public namely 'Nethaji Bus Stand' on the National Highway Road viz., Madurai Thirumangalam National Highway No.7, Puliyangudi junction, Madurai. As a matter of fact, the said bus stop was constructed by Late M.P.Mohan, the then Member of Parliament during his life time from the Member of Parliament Constituency Development Funds. After the completion of the said bus stand, all the general public are utilizing the said bus stand and the same was of immense help to the commuters (including the Petitioner and general public) travelling through the said road.

5.The stand of the Petitioner is that one M.K.Mayan, a business man is constructing a commercial complex on the backside of the said bus stand. Now the construction of the aforesaid commercial complex is almost completed and now is in the process of letting out for rent.

6.The Nethaji Bus Stop in question is situated at the entrance point of the said commercial complex and is standing as an obstruction to his complex, which is clearly evident from the photographs annexed to the present Writ Petition.

7.It appears that the said M.K.Mayan is making secret efforts to demolish the said bus stand, so as to have a easy access to his commercial complex. On 25.3.2017, he brought the JCB machine to the aforesaid place at the Nethaji Bus Stand, morefully at 8.00 p.m. and endeavour to demolish the said bus stand with the help of JCB and his henchmen. At that point of time, all the public in the said locality gathered and protested against the illegal acts of the said M.K.Mayan and created a blockade at the said area. Fearing danger to his life and property, the said Mayan somehow escaped and was not able to succeed in his illegal attempt to demolish the said bus stand.

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8.The version of the Petitioner is that during noon, it is very difficult to wait for any bus without any bus shelter because of the soaring temperature and in this regard, the Petitioner had sent a detailed representation on 25.03.2017 itself to all the Respondents and other higher authorities explaining the illegal acts of M.K.Mayan and requested to take immediate steps to protect the Nethaji Bus Stand and to prevent M.K.Mayan from in any way demolishing the same. Till date, no action has been taken on the representation of the Petitioner, dated 25.03.2017.

9.At this stage, the Learned Special Government Pleader appearing for the Respondents 1 to 4 informs this Court that the representation of the Petitioner, dated 25.3.2017 will be considered by the Fifth Respondent within a period of two weeks from the date of receipt of a copy of this order. The submission made by the Learned Special Government Pleader appearing for the Respondents 1 to 4 is quite reasonable.

10.Considering the fact that the Petitioner's representation dated 25.3.2017 is pending as on date without any progression in the subject-matter in issue, this Court, at this stage, simpliciter, directs the Fifth Respondent to look into the representation of the Petitioner, dated 25.3.2017 within a period of two weeks from the date of receipt of a copy of this order and if any substance is found in it, the Fifth Respondent shall take positive action in disposing of the representation within a period of four weeks thereafter, of course, after providing necessary opportunities to the Petitioner and others concerned(including M.K.Mayan). It is open to the Petitioner to raise all factual and legal pleas before the Fifth Respondent, who shall at the time of passing of final orders based on the representation of the Petitioner, is to advert to the same in qualitative and quantitate terms.

11.With the above said observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
   Madurai District,
   Madurai.

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5. The Block Development Officer,
   Thirupparankundram,
   Madurai - 625 006.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 88660
+ 1 CC TO M/s.K.MALATHI, ADVOCATE IN SR No. 88325

VSN
TE/JC/SAR-4 : 29/11/2017 : 4P/8C

ORDER MADE IN
W.P.(MD)No.21352 of 2017
21.11.2017

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