



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2508 of 2013

U.Murugesan

... Petitioner

Vs.

1.The Secretary to Government,
Highways & Minor Ports Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Divisional Engineer (Highways),
A.R. Line Road,
Tirunelveli - 627 002.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, to direct the respondents to remove the unauthorized traveler shelter constructed recently in front of the petitioner's house Door No.49-A and northern side of Vertri Vinayagar temple situated in Thisayan Vilai-Ittamozhi Road at Keeraikaranthattu at Thisayan Villai Village, Tirunelveli District vide the communication issued by the second respondent in his proceedings Ka.Na.47/2012/E.Va.Su/dated 06.12.2012 within the stipulated time as fixed by this Court.

For Petitioner : Mr.K.Seemaraj

For Respondents : Mr.M.Govindan, Spl.G.P

O R D E R

(Order of the Court was made by **K.K.SASIDHARAN, J.**)

The petitioner filed this writ petition to direct the second respondent to remove the unauthorised traveler shelter constructed in front of his house bearing Door No.49-A and northern side of Vetri Vinayagar temple situated in Thisayanvilai-Ittamozhi Road at Keeraikaranthattu at Thisayanvilai Village, Tirunelveli District.

2.The learned Special Government Pleader by placing reliance on the proceedings dated 10 December 2012 submitted that the traveler shelter was constructed after taking permission from the competent authority.



3. In view of the proceedings dated 10 December, 2012 indicating that the construction was made only after taking permission, there is no question of issuing a Mandamus as prayed for in the writ petition. It is always open to the petitioner to challenge the order granting permission for construction of traveler shelter, in case, he is so advised.

4. The writ petition is closed with the above observation. No costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Highways & Minor Ports Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2. The Divisional Engineer (Highways),
A.R. Line Road,
Tirunelveli - 627 002.

+1cc to Mr.K.Seemaraj, Advocate, SR.63400

+1cc to M/s.Special Government Pleader, SR.63686

W.P(MD) No.2508 of 2013
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Arul/SKM

KK/SKN RSK/SAR4/18.07.2017/2P-5C