

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.20064 of 2018

Narayanan

...Petitioner

Vs.

1. The Commissioner,
The Corporation of Chennai,
Rippon Buildings,
Chennai - 03.

2. The Executive Engineer,
Zone - 8,
No.36B, Pulla Avenue,
Shenoy Nagar, Chennai.

3. The General Manager (Operation),
The Metropolitan Transport Corporation,
No.2, Pallavan House,
Pallavan Salai, Anna Salai,
Chennai - 02.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 1st respondent to remove the bus stop abutting the petitioner's house situate at No.37, 2nd Avenue, Nehru Nagar, Thirumangalam, Anna Nagar, Chennai - 600 040, within a time frame as fixed by this Court.

For Petitioner : Mr.M.Arun

For Respondents : Mr.V.C.Selvasekaran, for RR1 & 2

ORDER

Mr.V.C.Selvasekaran, learned Standing Counsel takes notice on behalf of the respondents 1 & 2. By consent of the learned counsel appearing for the parties, the writ petition is taken up for final hearing.

2. The prayer in the writ petition is for issuance of a Writ of Mandamus to direct the first respondent to remove the bus stop abutting the petitioner's house situate at No.37, 2nd Avenue, Nehru Nagar, Thirumangalam, Anna Nagar, Chennai, within

a time frame.

3. The petitioner would state that he is the absolute owner of the premises bearing Door No.37 in Second Avenue, Nehru Nagar, Thirumangalam, Anna Nagar, Chennai and nearby a bus stop was functioning in front of the Senthil Nursing Home, Annanagar. However, during the implementation of Metro Train Project, a temporary bus stop was established abutting the petitioner's property. The petitioner would further state that the Metro Train Project was completed and the bus stop was shifted to the original place, near Senthil Nursing Home, Annanagar. But the temporary bus shelter put up in front of the house of the petitioner was not removed.

4. The learned counsel for the petitioner submitted that the petitioner sent a representation to the Chief Minister's Public Grievance Cell to remove the temporarily formed bus stop, which was forwarded to the Superintendent of the Chennai Metropolitan Transport Corporation. The officials of the Metropolitan Transport Corporation sent communication stating that the old bus stop opposite to the Metro Rail Station, near Senthil Nursing Home has started functioning and the temporary stop in front of the petitioner's house has ceased to function and the officials of the Corporation of Chennai have to remove the same.

5. The learned counsel further submitted that despite the reply from the Metropolitan Transport Corporation, dated 17.02.2018, the respondents 1 and 2 did not take any steps to remove the temporary bus shelter. It is further submitted that it would suffice, if a direction is issued to the second respondent to take appropriate action in a time frame, based on his representation, dated 09.07.2018.

6. The learned Standing Counsel for the respondents submitted that the second respondent is ready to consider the grievance of the petitioner in accordance with law.

7. In the light of the above facts and submissions of the learned counsels on either side, this Court directs the second respondent to take appropriate action on the representation of the petitioner dated 09.07.2018, in the light of the communication from the Metropolitan Transport Corporation dated 17.02.2018, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True copy//

Sub Assistant Registrar

pvs

To

1. The Commissioner,
The Corporation of Chennai,
Rippon Buildings,
Chennai - 03.

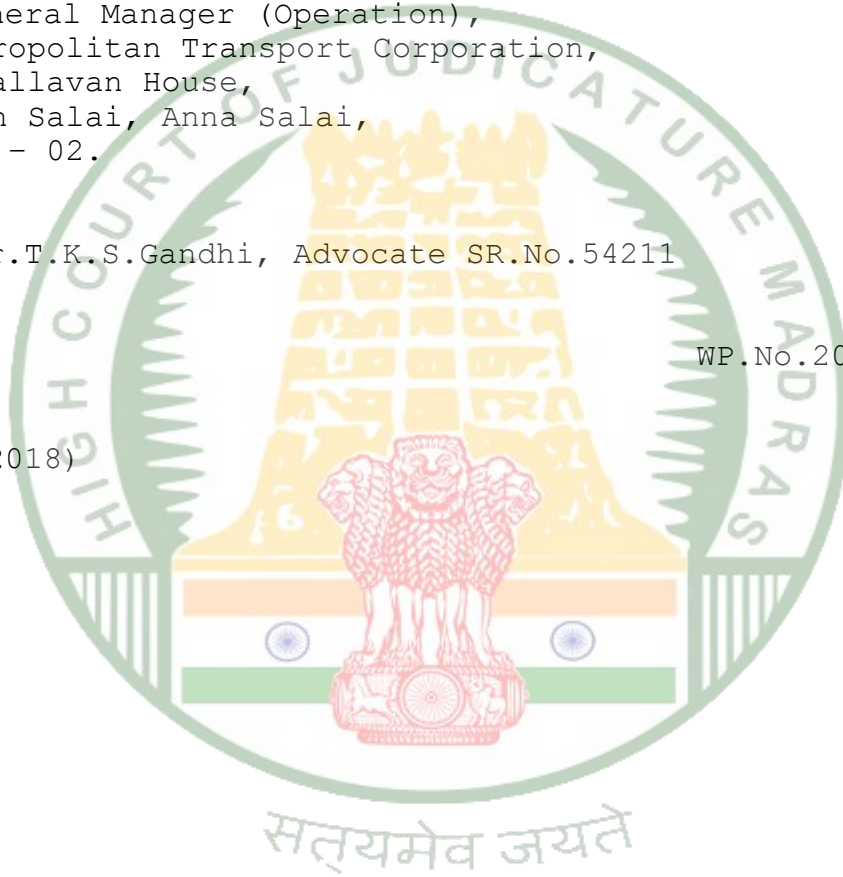
2. The Executive Engineer,
Zone - 8,
No.36B, Pulla Avenue,
Shenoy Nagar, Chennai.

3. The General Manager (Operation),
The Metropolitan Transport Corporation,
No.2, Pallavan House,
Pallavan Salai, Anna Salai,
Chennai - 02.

+1cc to Mr.T.K.S.Gandhi, Advocate SR.No.54211

WP.No.20064 of 2018

GN(21/08/2018)



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