

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.31026 of 2018
and
WMP. No.36195 of 2018

V.Jagadeesan

.. Petitioner

Vs

1. District Collector,
Vellore District,
Vellore - 632 001.
2. Arcot Municipality
Represented by Commissioner of Municipality
Arcot - 632 503
3. The Divisional Engineer
Highways (Construction and Maintenance)
Katpadi, Vellore - 632 007.
4. Assistant Divisional Engineer,
State Highways Department,
Vellore Main Road, Arcot - 632 503
5. R.Prabakaran
6. C.S.Mohamed Ayabkhan

(R5 & R6 are impleaded vide Court
Order dated 03.01.2019, made in
WMP.No.39309 of 2018 in
W.P.No.31026 of 2018)

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of Constitution of India, prayed to issue Writ of Mandamus to direct the first and second respondent herein to restrain from constructing the bus stop obstructing the petitioner's only ingress and egress to the public road from the premises in "Vinayagam Complex" Door No.31, Vellore Main Road, Arcot Town, Vellore District - 632 503.

For Petitioner : Mr.G.Gokul

For Respondents : Mr.R.Govindasamy
Special Government Pleader
for R1, 3 & 4

: Mr.E.Balamurugan
Special Government Pleader,
for R2

: Mr.T.P.Prabakaran,
for R5 & R6

ORDER

This writ petition has been filed seeking a direction to the respondents 1 and 2 from constructing the bus-stop obstructing the petitioner's shop in "Vinayagam Complex" Door No.31, Vellore Main Road, Arcot Town, Vellore District - 632 503.

2. The grievance of the petitioner is that he is the owner of the building in the above said Door Number. Now, the second respondent- Municipality is taking steps to put up the bus stop just in front of the petitioner's building, thereby obstructing the ingress and egress to the petitioner's shop and also causing inconvenience to the petitioner. The petitioner made several representations to the respondents. But, the same was not considered by the respondents so far and hence the present Writ Petition was filed.

3. The second respondent-Municipality filed a counter affidavit stating that the second respondent is going to construct the bus stop measuring 5 x 20 feet and a local member of parliament allocated funds for constructing the bus-shelter, in the Arcot- Vellore Main Road at Arcot at the estimate cost of Rs.8,00,000/-. The first respondent/District Collector has also given Administrative sanction for putting up the bus shelter for the benefit of general public. The tender was also called for by the second respondent on 02.08.2018 and work order was issued to M/s.Kennz Technologies, Chennai on 27.08.2018. Now, the work was also started and executed at basement level. At this stage, the present writ petition has been filed.

4. It is further stated in the counter affidavit that the construction of bus-stop will no way affect the petitioner's shop since there is a open space of 4.4 meters between the

petitioner's building and the bus shelter, and it will not affect the ingress and egress to the petitioner's shop. The bus shelter is to be constructed as transparency manner and it is not a covered bus-stop, apart from that the bus shelter only covered 10 feet in front of the petitioner's building, and it is a convenient place available to construct bus stop and there is no malafide intention on the part of the respondents in constructing the bus-stop at that place.

5. Heard both sides and perused the materials available on record carefully.

6. From the perusal of the records, it is seen that, the bus stop is going to be constructed near the main road, for the benefit of general public. From the counter affidavit filed by the second respondent, it could be seen that there is a gap of 4.4 meters between the petitioner's building and the bus shelter. It is also not a covered bus-stop and they are only going to put up a shelter with four pillars. Apart from that, the bus-stop only covers the part of the petitioner's building and not the entire building as stated by the petitioner.

7. Considering the fact that the bus-stop is going to be constructed in public road leaving sufficient space between the petitioner's building and the bus stop in a transparent manner without any wall around the bus-stop. I am not convinced with the argument of the petitioner that the bus shelter will affect the ingress and egress of the petitioner's shop, I find there is no merit in the Writ Petition.

8. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

dh/mrp

To

1. District Collector,
Vellore District,
Vellore - 632 001.
2. The Commissioner of Municipality,
Arcot Municipality
Arcot - 632 503

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3. The Divisional Engineer
Highways (Construction and Maintenance)
Katpadi, Vellore - 632 007.

4. Assistant Divisional Engineer,
State Highways Department,
Vellore Main Road, Arcot - 632 503

+1 cc to Mr.T.P.Prabakaran, Advocate, S.R.No.2432

+2 ccs to the Government Pleader, S.R.No.2768

W.P.No.31026 of 2018

SV(CO)
SSM(19/02/2019).



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