



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD) No.2408 of 2019

WEB COPY

S.Kopperundevi

... Petitioner

Vs.

1.The Commissioner,
Trichy Corporation, Trichy.

2.The Assistant Commissioner,
Ponmalai Fort, Trichy Corporation Office,
Trichy - 1.

3.The Assistant Engineer,
Ponmalai Fort, Trichy Corporation,
Subramaniyapuram, Trichy - 20.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the respondents from constructing the bus shop shelter in the water channel on the southern side of the petitioner's house plot in Plot No.256 in Survey No.142 A/3A, K.Sathanoor Village, Trichy District by blocking the petitioner's pathway.

For Petitioner : Mr.C.Vakeeswaran

For Respondent : Mr.N.S.Karthikeyan

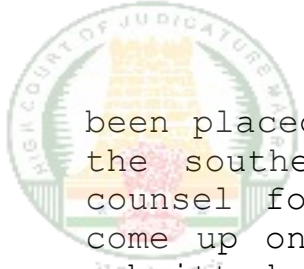
ORDER

Heard the learned counsel on either side.

2.The petitioner is owning Plot No.256 in Survey No.142 A/3A, K.Sathanoor Village, Trichy District. The petitioner questions the construction of a bus stop shelter near her plot. Since the petitioner claimed that her pathway is being blocked, this Court ordered notice to the respondent corporation. Today, the learned standing counsel appearing for the respondent corporation filed counter affidavit. It is seen therefrom that the place where the bus shelter is being constructed belongs to the Government and he submitted that on the western side, the petitioner is having 40 feet road. The petitioner's right of access has in no way been affected.

<https://hcservices.ecourts.gov.in/hcservices/>

3.It is seen from the typed set of papers that no material has



been placed to sustain the claim that there is a water channel in the southern side of the property in question. The learned counsel for the petitioner submitted that the bus shelter would come up on a drainage channel. The counsel for the corporation submitted that when the bus shelter is put up, the construction would be in such a way that they would make appropriate arrangements for diverting the drainage channel. This would meet the petitioner's concern.

4.It is further seen that Survey No.142A/3A has been lying as a vacant land for 14 years. This aspect of the matter shall also be borne in mind. I find no merit in this writ petition. It stands dismissed. No costs. Consequently, connected miscellaneous petition also stands dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Commissioner,
Trichy Corporation, Trichy.

2.The Assistant Commissioner,
Ponmalai Fort, Trichy Corporation Office,
Trichy - 1.

3.The Assistant Engineer,
Ponmalai Fort, Trichy Corporation,
Subramaniyapuram, Trichy - 20.

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-45284[F] dated
06/02/2019)

+1 CC to M/s.N.S.KARTHIKEYAN, Advocate (SR-45513[F] dated
07/02/2019)

skm

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