

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 11.06.2019

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) Nos.2423 of 2019
and 12172 of 2019
and
W.M.P. (MD) Nos.1877 of 2019
and 9144 of 2019

W.P (MD) No.2423 of 2019

Arunan

... Petitioner

Vs.

1.The Chief Secretary to Government,
Secretariat, Chennai.

2.The Principal Secretary,
Tamil Nadu State Transport
Corporation Department,
Chennai.

3.The Principal Secretary,
Municipal Administration and Water
Supply Department,
Secretariat, Chennai.

4.The Commissioner,
Municipal Administration and Rural
Development,
Ezhilagam, Chepauk, Chennai.

5.The District Collector,
Thoothukudi District,
Thoothukudi.

6.The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi.

... Respondents

(R.1 is deleted vide court order dated
05.02.2019)

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to drop all of their action with regard to get along with their original plan of setting up of a new integrated bus stand,



Meelavittan Village II, Thoothukudi District on the strength of the petitioner's representation dated 31.12.2018.

For Petitioner : Mr.R.Anand
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader
for R.2 to R.5
: Mr.Saji Bino
for R.6

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WP(MD)No.12172 of 2019

D.Jesudhas

... Petitioner

Vs.

- 1.The Chief Secretary to Government,
Secretariat, Chennai.
- 2.The Principal Secretary,
Tamil Nadu State Transport
Corporation Department,
Chennai.
- 3.The Principal Secretary,
Municipal Administration and Water
Supply Department,
Secretariat, Chennai.
- 4.The Commissioner,
Municipal Administration and Rural
Development,
Ezhilagam, Chepauk, Chennai.
- 5.The District Collector,
Thoothukudi District,
Thoothukudi.
- 6.The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi.
- 7.The Managing Director,
Tamil Nadu State Transport Corporation,
Chennai.
- 8.The Branch Manager,
Tamil Nadu State Transport Corporation,
Thoothukudi District.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to drop all of their action with regard to the expansion of old bus stand, Thoothukudi and further direct them to get along with their original plan of setting up a new integrated bus stand, Meelavittan



Village II, Thoothukudi District on 10.05.2019.

For Petitioner : Mr.R.Niresk Kumar
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader
for R.2 to R.5 and R.7
: Mr.Saji Bino for R.6

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COMMON ORDER

(Order of the Court was made by B.PUGALENDHI,J)

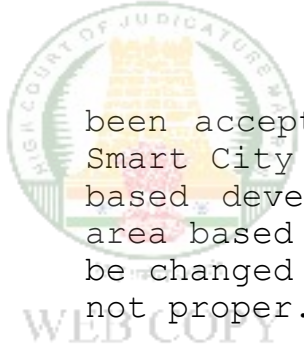
Since the issue in both these writ petitions are one and the same, they are disposed of by way of this common order.

2.The petitioners have filed these writ petitions as a Public Interest Litigations, praying for issuance of a Mandamus directing the respondents to drop all of further actions with regard to the expansion of old bus stand at Thoothukudi and direct them to get along with the original plan of setting up a new integrated bus stand at Meelavittan Village, Thoothukudi District, on the strength of the representations dated 31.12.2018 and 10.05.2019 respectively.

3.Heard the learned Counsel appearing for the respective parties and perused the materials placed on record.

4.According to the petitioners, the Government vide G.O.(D) No.94, Municipal Administration and Water Supply (MC.6), Department, dated 27.02.2013, has considered the issue in detail and after considering all the proposals made by the Municipal Corporation, has decided to conduct the feasibility study for setting up a new integrated bus stand in Thoothukudi. In fact, the place at Meelavittan Village has been identified and some acquisition proceedings have also been initiated. But, without proceeding with the same work, now, by way of a project under the Smart City Scheme, the Government is intending to construct a new bus stand expanding the old bus stand, where 1.50 acres of lands are available. It is the case of the petitioners that the proposed new bus stand by expanding the old bus stand, cannot said to be a proper one, which can be used by the public and the sum of Rs.54 Crores, which is intended to be used for the expansion of the old bus stand will be a mere waste.

5.The sixth respondent - Commissioner of Thoothukudi Municipal Corporation has filed a counter affidavit by stating that the Government order in G.O.(D).No.94, dated 27.02.2013 is only a proposal and the same has been dropped as per DO letter No.11953/P1/2017, dated 31.05.2017 and It is the specific stand of the the sixth respondent that the proposed expansion of old bus stand is as per the area based development under the Smart City Mission and the proposal has been made, after public consultation and they have chosen 60 wards as the area based development. These proposals have been decided in the year 2011 itself and have also



been accepted by the Central Government and this scheme, under the Smart City Scheme, has been allotted to Thoothukudi, as per the area based development proposed by the Tuticorin Corporation. Now the area based development cannot be changed and the project also cannot be changed and therefore, the contention raised by the petitioner is not proper.

6. That apart, it is also the stand taken by the sixth respondent that the further development of the integrated bus stand could be taken up by the Government under a different scheme at a later point of time, on need basis and the present project does not prevent such a possibility in any way.

7. It is also the specific stand taken by the sixth respondent that on the same issue, a similar writ petition has been filed in W.P.(MD)No.24461 of 2018 by the Viyaparikal Nala Sangam for running shops at the old bus stand and, this Court, by order dated 28.01.2019, has disposed of the said writ petition, with a direction to the sixth respondent to take possession of the entire shops on or before 15.02.2019 and with a further direction to complete the construction within a period of 18 months from that date.

8. This Court paid its anxious consideration to the rival submissions and perused the materials placed on record.

9. Though the Government vide G.O.(D) No.94, Municipal Administration and Water Supply (MC.6), Department, dated 27.02.2013, proposed for setting up a new integrated bus stand in Thoothukudi, it is the specific stand of the sixth respondent that the proposed expansion of the old bus stand is under the Smart City Scheme and also to be done on the area based development. It is also the stand of the sixth respondent that the integrated bus stand may also be developed under a different scheme at a later point of time, depending on the future requirement.

10. In view of the specific stand taken by the sixth respondent that the expansion of the old bus is as per the area based development under the Smart City Scheme, this Court is not inclined to interfere with the same. Accordingly, finding no merits in the claim of the petitioners, this Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

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To

1.The Chief Secretary to the Government, Secretariat, Chennai.

2.The Principal Secretary, Tamil Nadu State Transport Corporation Department, Chennai.

3.The Principal Secretary, Municipal Administration and Water Supply Department, Secretariat, Chennai.

4.The Commissioner, Municipal Administration and Rural Development, Ezhilagam, Chepauk, Chennai.

5.The District Collector, Thoothukudi District, Thoothukudi.

6.The Commissioner, Thoothukudi City Municipal Corporation, Thoothukudi.

7.The Managing Director, Tamil Nadu State Transport Corporation, Chennai.

8.The Branch Manager, Tamil Nadu State Transport Corporation, Thoothukudi District.

+2 CC to M/s.S.SAJI BINO, Advocate (SR-68068, 68069 [F] dated 12/06/2019)

+1 CC to M/s.SPL GP (SR-68487, 68490[F] dated 13/06/2019)

+1 CC to M/s.R.ANAND, Advocate (SR-68638[F] dated 13/06/2019)

+1 CC to M/s.R.NIRESH KUMAR, Advocate (SR-68642[F]dated 13/06/2019)

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AM (07.08.2019) 5P : 14C