



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.18994 of 2019

and

W.M.P. (MD) No.15297 of 2019

Renganayaham

... Petitioner

-vs-

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Commissioner,
Aruppukkottai Municipality,
Aruppukkottai,
Virudhunagar District.

3.The Town Planning Officer,
Aruppukkottai,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the Respondents 2 and 3 not to construct a Bus Stand at S.No.303/3 of the Nehru Nagar, Thiruchuli Road, Aruppukkottai, Virudhunagar District vacant land which was allotted for Community Hall and consequently to remove the encroachment made on the two water canals of "Thumman Kulam Water Tank".

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.R.Murugappan, learned counsel appearing for the petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader appearing on behalf of the respondents.

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

2.With the consent of either side, the Writ Petition itself is taken up for final disposal.



3.The Writ Petition designed as Public Interest Litigation, seeks for a direction upon the respondents 2 and 3 not to construct bus stand in S.No.303/3 of Nehru Nagar, Thiruchuli Road, Aruppukkottai, Virudhunagar District.

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4.The case of the petitioner is that when the layout was formed place was earmarked for public purpose, for construction of a community hall. In this regard, an Enam Settlement dated 29.08.1996 is referred to. It is the further submission of the petitioner that now the respondents 2 and 3 are proposing to construct a big bus stand, which is not only hindrance for the residents of Nehru Nagar, but also block the water ways.

5.Firstly, the role of the petitioner is not clear. The Enam Settlement deed was executed between an association consisting of Weavers and not with the Government, to which, the petitioner is not a party. The photo copy of the approved Layout Plan, which is placed in the typed set of documents, would show that the place has been earmarked for public purpose, for construction of a community hall. The question for consideration is whether the respondents 2 and 3 are utilising the said land for the public purpose or not. The construction of bus stand will facilitate the requirements of the public. Further, there is no material to indicate that there is any water channel, which is being blocked. Therefore, we find that there is no material for entertaining the Writ Petition.

6.In the result, the Writ Petition is dismissed. Consequently, connected Writ Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Commissioner,
Aruppukkottai Municipality,
Aruppukkottai,
Virudhunagar District.
- 3.The Town Planning Officer,
Aruppukkottai Municipality,
Virudhunagar District.



+1 CC to SPL GP (SR-85321[F] dated 05/09/2019)

W.P. (MD) No.18994 of 2019

and

W.M.P. (MD) No.15297 of 2019

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sj

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