



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2020
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11562 of 2020
and
W.M.P (MD) No.10075 of 2020

Seetharamu

... Petitioner

Vs.

1.The Collector
Pudukottai District, Pudukottai.

2.Assistant Director of Town Panchayat,
Collectorate Complex, Trichy Zone,
Trichy.

3.The Executive Officer
Town Panchayat, Annavasal,
Pudukottai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, by forbearing the 2nd and 3rd respondents to construct bus stop shelter at in front of petitioner's Kalyana Mandapam car parking gate in survey No.493/19A, Annavasal Village Group, Sengapatti Village, Illuppur Taluk, Pudukottai District and direct the respondents to construct the bus shelter in front of petitioner's building fifty feets away in the eastern side of the proposed site.

For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.P.Mahendran
Additional Government Pleader

ORDER

Heard, the learned counsel on either side.

2. The petitioner is the owner of a Kalyana Mandapam, situated in Survey No.493/19A, Annavasal Village Group, Sengapatti Village, Illuppur Taluk, Pudukottai District. The petitioner is also running a Native Ortho treatment centre in the said premises.



3. The petitioner is aggrieved by the proposal of the respondents in putting up a bus shelter right in front of the Kalayana Mandapam, thereby, affecting his right of ingress and egress.

4. The petitioner's specific allegation is that if the proposed bus shelter is allowed to come up, the vehicles cannot be parked inside the Kalyana Mandapam premises. The petitioner is willing to offer an alternative site at a distance of 15 feet away from the existing location. Finding some force in the said contention, this court has also granted interim order initially. Counter affidavit has been filed.

5. I carefully considered the rival contentions and went through the materials on record.

6. The Categorical statement of the learned Additional Government Pleader appearing for the respondent is that the proposed bus shelter is not being put up in front of the Kalyana Mandapam. It is further stated that the vehicles can also go into the Kalyana Mandapam premises through the existing gate. The respondents categorically assert before this Court, that the petitioner's right of ingress and egress and the parking facilities will not be affected.

7. The learned Additional Government Pleader states that the entire stretch of buildings on the side, where the bus shelter going to put up are owned by the writ petitioner.

8. Recording the said submission, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.



To:

- 1.The Collector
Pudukottai District,
Pudukottai.
- 2.Assistant Director of Town Panchayat,
Collectorate Complex,
Trichy Zone,
Trichy.
- 3.The Executive Officer
Town Panchayat,
Annavasal,
Pudukottai District.

+1 CC to M/s.Special Govt.Pleader (SR-19040 & 19041 [F] dated
05/10/2020)

W.P. (MD) No.11562 of 2020
30.09.2020

rm

SDS (14.10.2020) 3P-5C