

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN  
AND  
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.3950/2021  
& WMP.Nos.4519 & 4764/2021

D.Anandan ..... Petitioner

Versus

- 1.The Secretary to Government  
Rural Development Department  
Secretariat, Chennai-9.
- 2.The District Collector,  
Vellore District, Vellore.
- 3.The Divisional Engineer  
Highways Department  
Vaniyambadi, Thiruppattur District.
- 4.The Block Development officer  
Anaicut Union, Vellore District.
- 5.A.P.Nandakumar
- 6.Manimaran [Contractor]

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to take immediate action against the unauthorised bus shelter constructed by the 6<sup>th</sup> respondent in the Highways road from Anaicut to Odugathur situated at Karadikudi village and Panchayat in the opposite Government High School, Devi Chettikuppam, Anaicut Taluk, Vellore District.

For Petitioner : Mr.S.Saravanakumar

For RR 1 to 4 : Mr.S.Kamalesh Kannan  
Government Advocate

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J. through Video Conferencing]

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.S.Kamalesh Kannan, learned Government Advocate accepts notice on behalf of the respondents 1 to 4.
- (3) The petitioner is a practising Advocate and belongs to Gudiyatham and came forward to file this writ petition stating among other things that respondents 5 and 6, without permission or authorisation either from the Highways Department or from the Local Body or the appropriate authority, started putting up a construction for bus shelter and in this regard, a representation dated 20.01.2021 has also been submitted to the respondents 1 to 4 and despite receipt and acknowledgment, orders are yet to be passed and therefore, the petitioner is constrained to approach this Court by filing this writ petition.
- (4) Mr.S.Saravanakumar, learned counsel for the petitioner has drawn the attention of this Court to the provisions of the Tamil Nadu Panchayat [Building] Rules, 1997 and would submit that in the light of the said Rule position, unless and until the 5<sup>th</sup> respondent obtains necessary permission for the construction in the form of bus shelter cannot be put up and prays for appropriate orders.
- (5) Mr.S.Kamalesh Kannan, learned Government Advocate appearing for respondents 1 to 4 on instructions, would submit that the 2<sup>nd</sup> respondent has accorded necessary permission vide proceedings dated 12.02.2020 for putting up the bus shelter based on the recommendation made by the 4<sup>th</sup> respondent.
- (6) This Court has considered the rival submissions and also perused the materials placed before it.
- (7) In the light of the submission made by the learned Government Advocate appearing for respondents 1 to 4 on instructions, this Court is not inclined to pass any positive direction/order in this writ petition. However, if the petitioner is so advised and if it is available to him under law, he may be at liberty to seek appropriate information by invoking the provisions of the Right to Information Act, from the concerned Public Information Officer and depending upon the result of the same, may work out his further remedy.
- (8) In the result, the writ petition is dismissed with the above observation. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

AP

To

1.The Secretary to Government  
Rural Development Department  
Secretariat, Chennai-9.

2.The District Collector,  
Vellore District, Vellore.

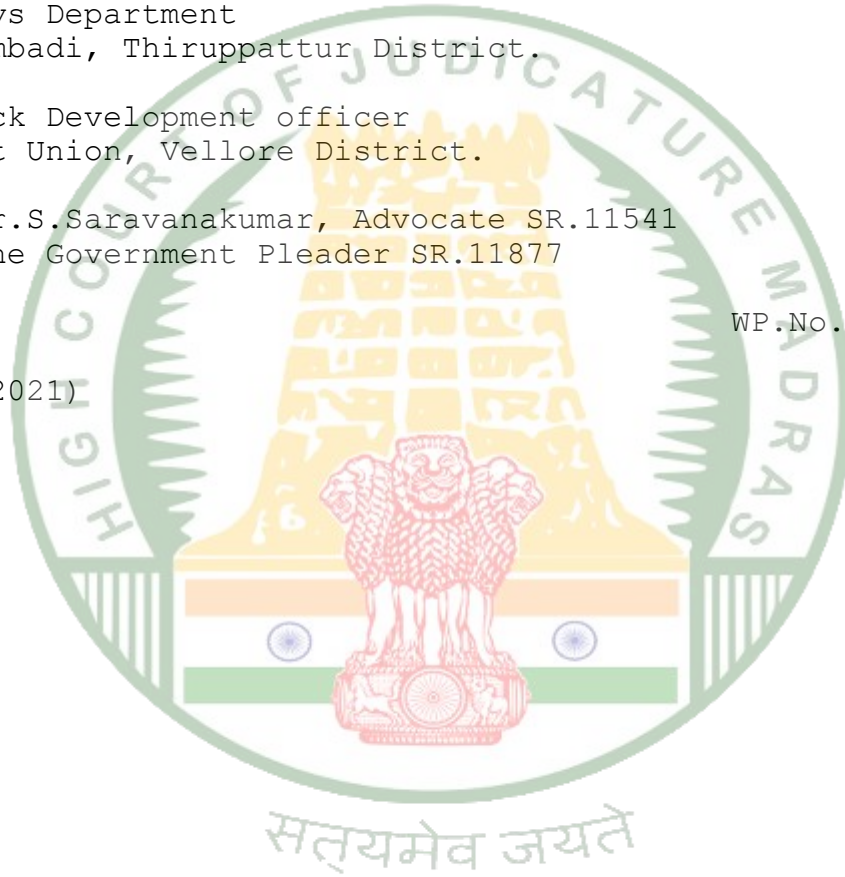
3.The Divisional Engineer  
Highways Department  
Vaniyambadi, Thiruppattur District.

4.The Block Development officer  
Anaicut Union, Vellore District.

+lcc to Mr.S.Saravanakumar, Advocate SR.11541  
+lcc to the Government Pleader SR.11877

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SMI (CO)  
CB(17/03/2021)



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