



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.2846 of 2020
and
W.M.P.Nos.3288 & 3289 of 2020

G.Suresh Kumar,
S/o.K.Gunaseelan,
No.221/7, Bagur Hussain Street,
Pernambut,
Vellore District 635810.

... Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Municipal Administration and Water Supply Department,
St. George Fort,
Chennai 600 009.

2.The Commissioner,
Municipal Administration,
Chepauk, Chennai 600 005.

3.The District Collector,
Vellore District,
Collectorate, Vellore.

4.The Commissioner,
Pernambut Municipality,
Pernambut.

5.The Tahsildar,
Pernambut Taluk,
Pernambut.

6.The Block Development Officer,
Pernambut Block,
Pernambut.

... Respondents



PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus in Public Interest, calling for the records of the 1st respondent in G.O.Ms.177 dated 24.12.2019 and quash the same and direct the respondents to restrain from shifting the bus stand from the existing location to the new location at GOLDEN NAGER SATAGAR PANCHAYAT of Pernambut, Vellore District.

For Petitioner :Mr.M.Muthappan

For Respondents :Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The petitioner has come before this Court challenging G.O. (Ms).No.177 dated 24.12.2019 passed by the 1st respondent and direct the respondents not to shift the bus stand from existing location to the new location at Golder Nager Satagar Panchayat of Pernambut, Vellore District.

2.The contention of the Petitioner is that the population of Pernambut municipality is 51,271 and nearly 61% of poeple belong to Muslims and 29% of people belong to Scheduled Caste. The existing municipal bus stand has been functioning in the centre of the Town right from the year 1981 onwards. Approximately 65 buses are plying from the bus stand from 04.00 am to 11.00 pm. There are about six Higher Secondary Schools situated within 500 meters in and around the present bus stand and totally 3000 students are using the bus stand. The public has been demanding for expansion of bus stand by including the nearby police station and shifting the police station on the opposite side, where the police quarters is situated.

3.Moreover, opposite to the present bus stand more than one acre of vacant land belonging to the Government is available, which can be used for expansion of the bus stand. However, the respondents have decided to shift the existing bus stand to the new place, which is 2.5 kms away and out of Municipal limit, in the property gifted by three individuals to an extent of one acre in survey No.691/1, 291/2A of Satgar Revenue Village. Since the property does not come within the limits of Pernambut



Municipality and coming within the limit of Satgar Panchayat of Pernambut panchayat union and the said property located 400 meters away from the main road, the location of new bus stand is not convenient to the local residents.

WEB COPY

4.It is the further contention of the Petitioner that the suitability of the place was not considered for shifting of the bus stand and without ecological clearance, the respondents are taking steps to form the new bus stand. The local people started agitation against shifting of the bus stand by forming "Pernambut Bus Stand Rescue Coordination Committee" and passed resolution for not to shift the bus stand. The members of all political parties, Traders Union, Shop Owners, NGO's, Human Rights Activists, Member of all Jamaths and public residents have joined together in the movement and several demonstrations have been held. Though many representations were given for expanding the said bus stand and not to shift the bus stand to the new place, the respondents have not responded to the said request.

5.Since Schools, Masjids, Government Hospital, ESI Hospital, Market, Hostels, Police Station, Fire Station and all other essential Government buildings are situated within 500 meters radius from the existing bus stand, the shifting of bus stand 2.5 kms away from all the essential establishments will not be in the interest of the passengers as well as school children.

6.The residents are beedi workers, masonary labours, tannery and shoe units labours and they would also put to unnecessary hardship to go to the new bus stand. The buses from the proposed bus stand will ply only in the outer road and the residents have to take auto to reach the town. Inspite of agitations from the local residents, the 1st respondent passed the impugned G.O, accepting the resolution of the Pernambut Municipality to transfer the title deed to the Municipal Commissioner from the Tahsildar, Pernambut with regard to survey No.691/1, 291/2A of Satgar Village which have been registered by the owners viz., C.Babu, D.Ronak and D.Karan Kumar for the purpose of constructing new bus stand in the public private partnership mode and also for grant of exemption from the property tax for the buildings to be constructed.

7.Heard Mr.M.Muthappan, learned counsel appearing on behalf of the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing on behalf of the respondents.



8. It is usual for the people to oppose any development as it will cause a temporary hardship to them. In this case, the existing bus stand which is located within the Pernambut town is sought to be shifted to Satgar village which is 2.5 kms from Municipality. As rightly pointed out by the learned Additional Government Pleader, the location of the bus stand within the town causes traffic jam putting the motorists to great hardship. Moreover, the roads are very narrow. The traffic got increased in due course and many buses are operating either from Pernambut or to Pernambut. Because of the increase in movement of vehicle, the roads are unable to take traffic, in view of the narrow roads. The new bus stand is sought to be constructed in one acre land which was gifted by the three private persons in favour of the Tahsildar. A resolution in No.323, dated 15.10.2018 was passed by Pernambut Municipality resolving to register the land in the name of the Municipality for establishing new bus stand. The Municipal Commissioner requested permission to accept the gift deed in the name of Pernambut Municipality and the same was granted by the impugned G.O., under public private partnership mode. When there is a resolution passed by the elected members of the local body to construct the new bus stand at Satgar Panchayat, all the necessary formalities should have been complied with. It is also stated in the impugned order that the Municipality, Transport Department, Highways Department, Village Panchayat, Revenue Divisional Officer, Tahsildar have issued No Objection Certificate for construction of bus stand in Satgar Village in one acre of land comprised in Survey Nos.691/1A, 691/1B, 691/1C, 691/2A1 and 691/2A2 of Satgar village. When all the departments have been consulted and they have given "No Objection Certificates" for construction of new bus stand, all the procedures have been complied with, legally and no one could have any objection.

9. Merely because the business people who are doing business in the Town would be temporarily affected, it cannot be a ground for preventing the respondents from constructing bus stand and shifting the bus stand. It is a development activity and it has been taken note by the elected members of the local body. The Respondents would have considered the increase in volume of traffic and the congestion being caused and hardship being caused to the people. As contended by the Respondents, the roads are narrow and they are unable to take the volume of the traffic due to increase in plying of buses. Local body is conscious about these factors and rightly decided to construct the new bus stand at Satgar village and all the authorities have been consulted and a decision has been taken by the 1st respondent. Thereafter only the impugned order has been passed.



Therefore, there is no illegality or violation of procedure in passing the impugned order.

10. Accordingly, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
St. George Fort,
Chennai 600 009.
2. The Commissioner,
Municipal Administration,
Chepauk, Chennai 600 005.
3. The District Collector,
Vellore District,
Collectorate, Vellore.
4. The Commissioner,
Pernambut Municipality,
Pernambut.
5. The Tahsildar,
Pernambut Taluk,
Pernambut.
6. The Block Development Officer,
Pernambut Block,
Pernambut.

+1cc to the Government pleader Sr.33508

W.P.No.2846 of 2020

pch[col]
srg 13/08/2021