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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6491 of 2021

and

W.M.P.Nos.7069 & 7070 of 2021

M. Thailappan

...Petitioner

Vs

1.The Special District Revenue Officer (LA),
Tamil Nadu Road Development Scheme - II,
Salem - 5.

2.The Revenue Divisional Officer,
Erode, Erode District.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, calling for the entire records relating to the impugned notice issued by the first respondent in his proceedings Na.Ka.No.448/2020/A2, dated 07.01.2021 insofar relates to the petitioner's building and quash the same and consequently directing the respondents not to construct any bus shelter in front of the petitioner's building situated in S.No.1496/11, Erode A Village, Door No.3, Kamarajar Colony, Veerappanchathiram, (No.265/176 Sathy Road) Erode.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.G.Ameedius
Government Advocate

ORDER

This Writ Petition has been filed for issuance of a writ of certiorarified mandamus, calling for the entire records relating to the impugned notice issued by the first respondent in his proceedings Na.Ka.No.448/2020/A2, dated 07.01.2021 insofar relates to the petitioner's building and quash the same and consequently directing the respondents not to construct any bus shelter in front of the petitioner's building situated in S.No.1496/11, Erode A Village, Door No.3, Kamarajar Colony, Veerappanchathiram, (No.265/176 Sathy Road) Erode.



3. The case of the petitioner is that the petitioner owned a land comprised in survey No.1496/11 situated at Erode - A Village, Erode Taluk. In the said land, he constructed a shop and let out the same to the third parties, who is running fast-food shop. The said shop is situated at Erode to Chithode Main Road nearby Veerappanchathiram Mariamman Temple. While being so, the first respondent decided to widen the Erode to Chithode road as four way road and issued notification to acquire 983 sq.mt. After widening the said road in front of the petitioner's building the respondents decided to construct a bus shelter. According to the petitioner, it is obstructing the pathway to reach his shop.

4. The learned counsel for the petitioner would submit that even though there is a larger extent of vacant site on the southern side of the petitioner's building and also it is classified as Natham Land and as such, without taking the said land, now the respondents intended to construct bus shelter in front of the petitioner's shop. He further submitted that the impugned notice dated 07.01.2021 was issued in the name of the petitioner's vendor, Though the petitioner purchased the property in the year 2013, the impugned notice was issued to his vendor.

5. The first respondent filed a counter stating that based on the proposal by the Tamil Nadu Road Sector Project-II, State Highways No.15, Chithode to Erode Road, two way lane road to four way lane road, the land acquisition proceedings were initiated to acquire the subject land with other lands comprised in survey No.1496/11 in order to form four way lane between Chithode to Erode in State Highways No.15. After issuance of the impugned notice and following the provisions of the Tamil Nadu Highways Act, the subject land, to an extent of 18 sq.mts, had been acquired for the purpose of constructing a bus shelter and the same was not opposed by the petitioner at any point of time. Under the present project, the public transport majority uses the road and as such, providing of bus stop with shelter facilities for the general public, since an existing bus shelter is already available on the opposite side it would be prudent and technically valid the present bus shelter and proposed to place so that passengers can cross over to the other side of the road. The plan, which was produced by the first respondent, would show that the proposed bus stop at CH :160.810m L/S. It is referred that the proposed land acquisition in survey No.1496/11 of Erode A Village is 18 sq.mt out of which the proposed bus shelter will be placed in 4.50 sq.mt only. The balance acquired government land for a width of 2.40 meter on left hand side of the bus shelter is available for the passage of the petitioner over the foot path. Therefore, there is an



access admeasuring 2.40 meter to 4.50 meter Government land is very much available in the Government land on the left hand side. It can be used to reach the petitioner's remaining land.

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6. In view of the above, the writ petition is devoid of merits. Accordingly, the writ petition stands dismissed. Consequently, connected miscellaneous petition are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Lpp

To

1.The Special District Revenue Officer (LA),
Tamil Nadu Road Development Scheme - II,
Salem - 5.

2.The Revenue Divisional Officer,
Erode, Erode District.

+lcc to Government Pleader SR. No.67522

W.P.No.6491 of 2021

and

W.M.P.Nos.7069 & 7070 of 2021

UM (CO)

PR (31/01/2022)