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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Writ Petition Nos. 17151, 17152, 17154, 17324, 17327,
17332 and 17337 of 2021

and

WMP.Nos.18173, 18174, 18176, 18344,
18348, 18353 & 18361 of 2021

S.Baskaran

Proprietor

Tea Shop

Present Door No.364 D, Main Road,

Vembakkam Village & Taluk,

Tiruvannamalai District

Pin Code - 604 410

.. Petitioner in WP No. 17151/2021

E.Seetharaman

Proprietor

Thunga Photo Studio,

Present Door No.364, Main Road,

Vembakkam Village & Taluk,

Tiruvannamalai District - 604 410.

.. Petitioner in WP No. 17152/2021

D.Saravanan,

Proprietor

Juice and Provision Stores,

Present Door No.364 C, Main Road,

Vembakkam Village & Taluk,

Tiruvannamalai District - 604 410

.. Petitioner in WP No.17154/2021

S.Banumathi

.. Petitioner in WP.No.17324/2021

V. Durga Devi

Proprietrix

Vasantha Medicals

Present Door No.364 B

Main Road,

Vembakkam Village & Taluk,

Tiruvannamalai District - 604 410

.. Petitioner in WP. No. 17327



S.Baskaran
Proprietor
Sriram Decors,
Present Door No.364 A, Main Road,
Vembakkam Village & Taluk,
Tiruvannamalai District - 604 410

.. Petitioner in WP. No.17332

S.Muralikrishnan,
M.M.Mission Hospital,
No.363, Main Road,
Vembakkam Village & Taluk,
Tiruvannamalai district - 604 410

.. Petitioner in WP. No.17337

Versus

1. The Secretary to Government
Public Works Department
Secretariat, Fort St.George,
Chennai - 9.
2. The Collector
Tiruvannamalai District.
3. Assistant Divisional Engineer,
High Ways Department,
Cheyyar - 604 407.
4. Block Development Officer,
Vembakkam Village,
Tiruvannamalai District.
5. The President,
Vembakkam Panchayat Union,
Vembakkam Village & Taluk, '
Tiruvannamalai District - 604 410.
6. The Assistant Engineer,
National Highways,
Chennai to Tiruchy Main Road,
Villupuram - 605 602

.. Respondents in all WPs

WP No. 17151 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to dispose of the petitioner's Representation dated 02.08.2021 by directing the respondents not to put up the Bus Shed, Bus Stop or any construction in front of the



petitioner's shop at present Door No.364D, Main Road, Vembakkam Village & Taluk, Tiruvannamalai District - 604 410.

WP No.17152 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to dispose of the petitioner's Representation dated 02.08.2021 by directing the respondents not to put up the Bus Shed, Bus Stop or any construction in front of the petitioner's shop at present Door No.364, Main Road, Vembakkam Village & Taluk, Tiruvannamalai District - 604 410 and put up the same in the land belonging to the Highways Department, abutting the property in which the petitioner has the Shop portion.

WP No.17154 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to dispose of the petitioner's Representation dated 02.08.2021 by directing the respondents not to put up the Bus Shed, Bus Stop or any construction in front of the petitioner's shop at present Door No.364C, Main Road, Vembakkam Village & Taluk, Tiruvannamalai District - 604 410 and put up the same in the land belonging to the Highways Department, abutting the property in which the petitioner has the Shop portion.

WP No.17324 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to dispose of the petitioner's Representation dated 27.07.2021 and 29.07.2021 by directing the respondents not to put up the Bus Shed, Bus Stop or any construction in front of the petitioner's property at Door No.363, 364, 364A to 364D, Main Road, Vembakkam Village & Taluk, Tiruvannamalai District - 604 410 and put up the same in the land belonging to the Highways Department, abutting the property of the petitioner.

WP No.17327 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to dispose of the petitioner's Representation dated 02.08.2021 by directing the respondents not to put up the Bus Shed, Bus Stop or any construction in front of the petitioner's shop at present Door No.364B, Main Road, Vembakkam Village & Taluk, Tiruvannamalai District - 604 410 and put up the same in the land belonging to the Highways Department, abutting the property in which the petitioner has the shop portion.

WP No.17332 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to dispose of the petitioner's Representation dated 02.08.2021 by directing the respondents not to put up the Bus Shed, Bus Stop or any construction in front of the petitioner's shop at present Door No.364A, Main Road, Vembakkam Village & Taluk, Tiruvannamalai District - 604 410 and put up the same in



the land belonging to the Highways Department, abutting the property in which the petitioner has the shop portion.

WP No.17337 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to dispose of the petitioner's Representation dated 02.08.2021 by directing the respondents not to put up the Bus Shed, Bus Stop or any construction in front of the petitioner's M.M. Mission Hospital at present Door No.363, Main Road, Vembakkam Village & Taluk, Tiruvannamalai District - 604 410 and put up the same in the land belonging to the Highways Department, abutting the property in which the petitioner has the M.M.Mission Hospital.

For Petitioners	:	Mr. N. Sivaprakash in all the Writ Petitions
For R1,2,4 & R5	:	Mr.Stalin Abhimanyu, Government Counsel in all the Writ Petitions
For R3 & R6	:	Mr. Richardson Wilson in all the Writ Petitions

COMMON ORDER

The petitioners have come forward with these writ petitions, with identical prayer, to issue a Writ of Mandamus to forbear the respondents from putting up a bus shed, bus stop or any other construction in front of their shops/houses as the case may be and to put such construction or bus stop in any other place.

2. The petitioners in these writ petitions are either having their own house or shops taken on rent. Such shops or houses of the petitioners are situated adjacent to the land belonging to Highways Department. The grievance of the petitioners is that the Highways Department had widened the road besides proposing to put up a bus stop or bus shelter in front of their houses or shops. It is their contention that the left side end of the road margin passes through their houses or shops in close proximity, with the result, the petitioners have to step out of their houses or shops by exercising adequate caution inasmuch as vehicles will raze past through their houses or shops in which case it will prove fatal to their lives. The further grievance of the petitioners is that the land belonging to the Highways Department is very much available near the shops or houses of the petitioners. Therefore, if the proposal to erect a bus stop, bus shed or bus shelter is shifted to the adjacent land, no prejudice will be caused to any one. However,



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6. Heard the counsel on either side. It is evident from



the communication dated 24.08.2021 of the Assistant Divisional Engineer, Highways Department, Cheyyar that at present, there is no proposal to erect a bus stop or bus shelter in front of the shops or houses of the petitioners. In such view of the matter, the apprehensions raised by the petitioners have to be allayed. Consequently, the relief sought for in these writ petitions cannot be granted.

7. Therefore, by recording the communication dated 24.08.2021 of the Assistant Divisional Engineer, Highways Department, Cheyyar, all the writ petitions are disposed of. No costs. Consequently, all the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

av/rsh

To

1. The Secretary to Government,
Public Works Department,
Secretariat, Fort St.George,
Chennai - 9.
2. The Collector,
Tiruvannamalai District.
3. Assistant Divisional Engineer,
High Ways Department,
Cheyyar - 604 407.
4. Block Development Officer,
Vembakkam Village,
Tiruvannamalai District.
5. The President,
Vembakkam Panchayat Union,
Vembakkam Village & Taluk, '
Tiruvannamalai District - 604 410.



6. The Assistant Engineer,
National Highways,
Chennai to Tiruchy Main Road,
Villupuram - 605 602.

WEB COPY

+7cc to Mr. N. Sivaprakash, Advocate,
S.R.No.44105,44106,44107,44108,44109,44110,and 44111(in all WP's)

+1cc to the Government Pleader, S.R.No.43938
in WP.Nos.17324,17327,17151.

WP Nos.17151, 17152, 17154, 17324,
17327, 17332 and 17337 of 2021

BS (CO)
CT(28/09/2021)