



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.7686 of 2021

and

W.M.P (MD) No.5847 of 2021

Anantha Nagar Kudiyirrupore
Nala Sangam through Power of Attorney
R.Vijayalakshmi,
D/o. M.Rajendran, No.10, Masjid Complex,
Opposite to Mattuthavani Bus Stand, Mattuthavani,
Madurai District - 625 007. ...Petitioner

Vs.

- 1.The District Collector
District Collectorate, Madurai
 - 2.The Divisional Engineer, (Building and Maintenance)
State Highway Department, Thamaraihatti, Madurai -7
 - 3.The Superintending Engineer, National Highway Department,
Race Course Colony, Oppo. Tallakulam Police Station,
Madurai District.
 - 4.The Regional Transport Officer,
Regional Transport Office, Melur Road, Madurai District.
 - 5.The Corporation Officer, Madurai Corporation,
Anna Maligai, Madurai District.
 - 6.The Commissioner of Police,
Office of the Commissioner of Police,
Azhagar Koil Road, Madurai.
 - 7.Thiruvettai Iyyanar Auto Drivers and Owners Association
Anantha Nagar Main Road,
Opposite to Mattuthavani Bus Stand,
Mattuthavani, Madurai District - 625 007. ...Respondents
- (R7 is Suo motu impleaded vide court order dated 09.04.2021 in WP (MD) No.7686/2021)

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the share auto stand of Thiruvettai Iyyanar Auto Drivers and Owners Association from Anantha Nagar Main Road since the above said stand has been inaugurated without following the due process of law and relevant rules.

For Petitioner

:Mr.M.M.Iqbal

For Respondents 1 to 4 & 6

:Mr.K.P.Narayanakumar

Special Government Pleader

For 5th Respondent

:Mr.R.Murali



ORDER

Thiruvettai Iyyanar Auto Drivers and Owners Association is *suo motu* impleaded as the seventh respondent in this Writ Petition.

2. This Writ Petition has been filed by an Association called as an 'Anantha Nagar Kudiyirrupore Nala Sangam' seeking for the issue of a Writ of Mandamus to direct the respondents to consider the representation made by the petitioner Association and to remove the share auto stand that was established by the impleaded seventh respondent.

3. The case of the petitioner is that the impleaded seventh respondent without any right or authority, have established a share auto stand in a converging junction of Kulamangalam main road and Anaiyur main road and thereby have caused hindrance to the general public and also affected the movement of the school children and the other residents of the colony. According to the petitioner Association, the auto stand has been opened without getting the necessary permission from the concerned Authority under the Motor Vehicles Act and Rules. Aggrieved by the same, the petitioner Association gave a complaint to the respondents requesting to remove the auto stand. Since the same was not acted upon, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.M.M.Iqbal, learned counsel appearing for the petitioner, Mr.K.P.Narayanakumar, learned Special Government Pleader, appearing on behalf of the respondent Nos.1 to 4 and 6 and Mr.R.Murali, learned counsel appearing on behalf of the fifth respondent.

5. It is seen from records that pursuant to the representation made by the petitioner Association, the fourth respondent through a letter dated 20.01.2021 has also sought for an action taken report on the ground that the auto stand established by the newly impleaded seventh respondent / Thiruvettai Iyyanar Auto Drivers and Owners Association, causes hindrance to the general public and the Motor Vehicle Inspector Grade-I was directed to make an inspection and submit a report.

6. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the fifth respondent to consider the representation made by the petitioner Sangam on 31.12.2020 and conduct an enquiry by affording an opportunity to the petitioner Association and the newly impleaded seventh respondent. The fifth respondent shall also collect necessary report from the fourth respondent at the time of enquiry. On completion of the enquiry, the fifth respondent shall pass appropriate orders strictly in accordance with law within a period of twelve weeks from the date of



receipt of a copy of this order.

7. The petitioner shall make a fresh representation to the fifth respondent along with a copy of this order. A copy of the representation shall also be marked to the fourth respondent also.

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8. The Writ Petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

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 District Collector, District Collectorate, Madurai.
 - 2.The Divisional Engineer, (Building and Maintenance)
State Highway Department, Thamaraihotti, Madurai -7.
 - 3.The Superintending Engineer, National Highway Department,
Race Course Colony, Oppo. Tallakulam Police Station,
Madurai District.
 - 4.The Regional Transport Officer, Regional Transport Office,
Melur Road, Madurai District.
 - 5.The Commissioner of Police,
Office of the Commissioner of Police,
Azhagar Koil Road, Madurai.
 - 6.Thiruvettai Iyyanar Auto Drivers and Owners Association
Anantha Nagar Main Road,
Opposite to Mattuthavani Bus Stand
Mattuthavani, Madurai District - 625 007.
 - 7.The Corporation Officer, Madurai Corporation,
Anna Maaligai, Madurai District - 625007.
- +1 CC to M/s.SPL GP (SR-15814[F] dated 15/04/2021)
+1 CC to M/s.M.M.IQBAL, Advocate (SR-15759[F] dated 09/04/2021)

Order made in

W.P. (MD) .No.7686 of 2021

09.04.2021