



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.05.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD)No.9567 of 2021

and

W.M.P (MD)No.7323 of 2021

P.Kumaresan

... Petitioner

Vs.

1.The State of Tamilnadu,
Through its Secretary to Government,
Transport Department,
Fort St. George,
Chennai.

2.The Tamilnadu State Transport Corporation,
Through its Managing Director,
Kumbakonam.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents to complete the Tender process for constructing of Additional Moffusil Bus Stand for Karur Town, as per Tender notice No:2/2021-2021, dated 29.01.2021 issued by the second respondent and as ordered by this Hon'ble Court in its order dated 18.02.2021 in W.P(MD)No.3242 of 2021 and interim order dated 15.04.2021 in W.A(MD)Nos.759 & 760 of 2021 and construct the Additional Moffusil Bus Stand within the time stipulated by this Honourable Court.

For Petitioner

:Mr.V.R.Shanmuganathan
for Mr.V.A.Dhana Aravindha Balaji

For Respondents

:Mr.Veera.Kathiravan
Senior Standing Counsel
for the Government
Assisted by
Mr.R.Baskaran,
Standing Counsel

ORDER

(Order of the Court was made by V.M.VELUMANI, J.)

The petitioner has come forward with this writ petition for
<https://hcservices.mca.gov.in/hcservices/> Writ of Mandamus, directing the respondents to



complete the Tender process for the construction of Additional Moffusil Bus Stand for Karur Town, as per Tender Notice No:2/2021-2021, dated 29.01.2021, issued by the second respondent and as ordered by the Division Bench of this Court in its order dated 18.02.2021 in W.P.(MD)No.3242 of 2021 and interim order dated 15.04.2021 in W.A.(MD)Nos.759 & 760 of 2021 and construct the Additional Moffusil Bus Stand, within a stipulated time to be fixed by this Court.

2. The petitioner is a resident of Karur Town and he filed this writ petition styled as a 'Public Interest Litigation' for the benefit of general public. According to the petitioner, the present Bus Stand in the Karur Town is in the middle of the town and was established long back and due to the increase in the population, more number of buses are operated everyday. The Tamil Nadu State Transport Corporation is operating 1127 buses per day inclusive of 1868 trips and 165 private buses are operating per day with 606 trips. The present capacity of the present Bus Stand is only for 42 buses. Due to the same, there is always huge traffic congestion inside and outside the Bus Stand. Further, some portions of the Bus Stand are in damaged condition. However, the Karur Municipality is doing only patch work. In such circumstances, the Municipality decided to establish a new Bus Stand at Sukkaliyoor village. Subsequently, the Municipality decided to establish a Bus Stand by getting donation of lands at free of cost from the owners of the land at Thirumanilaiyur Village as some individuals were ready to offer their lands for establishing a new Bus Stand at Thirumanilaiyur. Their offers were accepted and proposal was initiated and approval was granted vide G.O.(Ms)No.87, Municipal Administration and Water Supply Department, dated 20.06.2013.

3. The said Government Order was challenged in W.P(MD)No.3449 of 2017, wherein the Division Bench of this Court, vide order dated 28.02.2017, ordered for establishing a new Bus Stand as per G.O.Ms.No.87. Against which, a review application was filed by the Government and that was dismissed and the contempt petition filed by the writ petitioner therein was also closed recording the undertaking that the Bus Stand will be put up within 2 years.

4. Subsequently, the individuals, who donated the lands, withdrew their donations on the ground that new Bus Stand was not constructed as per the conditions. In the meantime, G.O.(Ms) No.65, Municipal Administration and Water Supply Department, dated 27.05.2019, was issued granting administrative sanction for constructing Bus Stand for a sum of Rs.47 Crores. Challenging the said Government Order, W.P.(MD)No.14556 of 2019 was filed by private individuals alleging



violation of law relating to Minority and Guardianship. They have also filed civil suits and the litigations are pending. The Donors have also filed writ petitions for reconveyance and they have also prevented the officials from entering into their lands. Thus, construction of new Bus Stand has come to a standstill.

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5. In view of various litigations, the second respondent Tamil Nadu State Transport Corporation decided to establish an additional Moffusil Bus Stand in Trichy-Karur bypass road at the outskirts of Karur town. At the request of the second respondent, the District Collector suggested certain lands in Thorankkalpatti Village for the construction of additional Moffusil Bus Stand. After seeking public opinion, the Government issued G.O.(Ms)No.61, dated 26.02.2021, for conversion of land and issued G.O.(Ms)No.15, Transport (B2) Department, dated 29.01.2021, granting permission for construction of additional moffusil Bus Stand and based on such permission and administrative sanction, the second respondent floated tender, vide Tender Notification dated 29.01.2021, and also issued G.O.(Ms)No.16 dated 03.02.2021, transferring portion of lands so required from Animal Husbandry Department to Transport Department. The District Collector, Karur, also permitted the second respondent to enter upon the said lands for construction of additional moffusil Bus Stand.

6. Subsequently, challenging the said G.O.(Ms)No.16, dated 03.02.2021 and the Tender Notification, dated 29.01.2021, W.P.(MD) No.3242 of 2021 was filed, wherein the Division Bench of this Court, vide order dated 18.02.2021, directed the respondents therein to maintain status-quo and made it clear that no temporary Bus Stand shall be established in the said place and further made it clear that the tender process shall go on and the order was only with respect to the proposed establishment of a temporary Bus Stand in the very same place.

7. According to the learned counsel appearing for the petitioner, the tender notice was challenged in W.P.(MD)Nos.3865 and 3867 of 2021 and the same were dismissed on 24.03.2021 and against which, W.A(MD)Nos.759 and 760 of 2021 were filed and in the interim applications filed along with the said writ appeals, the Division Bench of this Court, vide order dated, 15.04.2021, did not grant any interim order, but observed that pendency of the writ appeals will not be a bar for the respondent corporation to proceed with the tender process.

8. According to the learned counsel appearing for the petitioner, even after the orders passed by the Division Bench of this Court and even after the State Legislative Assembly Election was over, the second respondent is not proceeding with the tender



process. Hence, the petitioner gave a representation to the respondents requesting to proceed with the tender process and establish an additional Mofussil Bus Stand at the earliest and has come out with the present writ petition.

9. Mr.Veera.Kathiravan, learned Senior Standing Counsel assisted by Mr.R.Baskaran, learned Standing Counsel appearing for the respondents, submitted that the earlier writ petition filed challenging G.O.Ms.No.16, dated 03.02.2021 is still pending and therefore, the petitioner has to implead himself in the said writ petition and for implementing the order of proceeding with the tender, a separate writ petition is not maintainable and the order of status-quo is operating against the respondents and therefore, the respondents are not able to proceed further.

10. He further submitted that Election Notification came into operation till May 2021 and thereafter also, the respondents are not able to proceed further because of lock down. The writ petition is filed without any justification within few days from the date of making representation and if any order is passed in this Writ Petition, it will affect the earlier round of litigations pending before the Division Bench of this Court and prayed for dismissal of writ petition.

11. Heard Mr.VR.Shanmuganathan, learned counsel representing Mr.V.A.Dhana Aravindh Balaji, learned counsel appearing for the petitioner and Mr.Veera.kathiravan, learned Senior Standing Counsel appearing for the Government assisted by Mr.R.S.Baskaran, learned Standing Counsel appearing for the Government and perused the materials available on record.

12. From the above rival submissions, it is seen that the Karur Municipality has taken steps for establishing a new Bus Stand as the old Bus Stand was in damaged condition and unable to accommodate the increased operation of Buses into the old Bus Stand. The efforts taken by the Karur Municipality did not fructify due to various litigations filed one after another.

13. In such circumstances, the second respondent has come forward to establish a Mofussil Bus Stand at Thorankkalpatti Village in the outskirts of Karur Town and necessary lands were transferred to the respondents and administrative sanction has also been given as per G.O.Ms.No.15, dated 29.01.2021 and G.O.Ms.No.16, dated 03.02.2021, was also issued transferring portion of lands from Animal Husbandry Department to Transport Department. Subsequently, in W.P(MD)No.3242 of 2021 filed challenging G.O.Ms.No.16, dated 03.02.2021 and Tender Notification, dated 29.01.2021, the Division Bench of this Court, vide order dated 18.02.2021, ordered to maintain status-quo as on



the date of the order and made it clear that no temporary Bus Stand shall be established in the said place and the tender process shall go on and the order is only with respect to the proposed establishment of a Temporary Bus Stand in the very same place. Paragraph Nos.5 and 6 of the said order is extracted hereunder:-

"5.Considering the submissions made and particularly, the fact that the time granted for classification is not yet over, among the other grounds raised, we are inclined to pass an order directing the respondents to maintain status-quo, as on date, making it clear that no Temporary Bus Stand shall be established in the said place.

6. We further make it clear that the tender process shall go on and this order is only with respect to the proposed establishment of a Temporary Bus Stand in the very same place."

In view of the above order, the contention of the learned Senior Standing Counsel for the respondents that in view of Status Quo ordered by the Division Bench, the respondents are not able to proceed with the Tender process and that any order passed in this writ petition will affect the earlier litigation, are not acceptable.

14. Subsequently, in W.A(MD)Nos.759 and 760 of 2021 filed challenging the order of the learned Single Judge, dated 24.03.2021, dismissing the writ petitions in W.P(MD)Nos.3865 and 3867 of 2021 filed challenging the Tender Notifications issued by the respondent therein, vide Ref.No.TNSTC/KUM/CIVIL-CORP/621-2/2021 and Ref.No.2/2021-2022 dated 25.01.2021 and 29.01.2021, respectively, the Division Bench of this Court did not grant any interim order in C.M.P.(MD) Nos.3406, 3409, 3411 and 3412 of 2021 filed for staying the operation of the order dated 24.03.2021, made in W.P.(MD)No.3867 of 2021, to grant interim injunction restraining the respondent therein from proceeding anyway with the Tender Notification issued by the respondent therein, vide Ref.No.2/2021-2022, dated 29.01.2021, pending disposal of the writ appeal and dismissed all the miscellaneous petitions vide order dated 15.04.2021 and the said order reads as follows:

"Learned counsel for the appellant submitted that he is being lead by a learned senior counsel, who is unable to join.

The question of granting stay or injunction does not arise. Hence, the miscellaneous petitions are

dismissed.



List the matter on 22.06.2021.

Pendency of the Writ Appeals will not be a bar for respondent corporation to proceed with the tender."

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15. According to the petitioner, in spite of the above two orders passed by the Division Bench of this Court, the second respondent is not proceeding with the tender process.

16. From the above materials, it is seen that the representation of the petitioner is to proceed further with the tender process as per the orders of the Division Bench of this Court, dated 18.02.2021 and 15.04.2021.

17. Considering the request of the petitioner, this Court is of the view that the respondents are to be directed to proceed with the Tender Notification as per the earlier two orders of the Division Bench of this Court, dated 18.02.2021 and 15.04.2021.

18. For the above reasons, the Writ Petition is disposed of directing the respondents to proceed with the tender process for the construction of additional Moffusil Bus Stand for Karur Town, based on the Order of two Division Benches of this Court dated 18.02.2021 made in W.P.(MD)No.3242 of 2021 and the order dated 15.04.2021 in W.A.(MD)Nos.759 of 760 of 2021, as there is no order restraining them from proceeding further with the tender process. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Secretary to Government of Tamil Nadu,
Transport Department,
Fort St. George,
Chennai.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam.

W. P (MD) No. 9567 of 2021

and

W.M. P (MD) No. 7323 of 2021

26.05.2021

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