



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NO.6231 OF 2022

R.Seenivasan

.. Petitioner

Vs

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai-600 009.
2. The District Collector,
First Floor, Collectorate,
Thiruvallur-602 001.
3. The Tahsildar,
Thiruvallur Taluk Office,
JN Road, Thiruvallur - 602 001.
4. The Block Development Officer,
Thiruvallur Panchayat Union,
Thiruvallur - 602 001.
5. The Village Panchayat President,
Vishnuvakkam Panchayat,
Thiruvallur - 602 003.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the 4th respondent from constructing the bus shelter in the proposed place at S.No.97, Arunthathiyar Natham, Vishnuvakkam Village, which is classified as waterbody as per the "A" register based on the petitioner's representation dated 23.02.2022 and consequentially, direct the 4th respondent to construct the bus shelter in the place sanctioned in the work order in the Village Council Meeting held on 02.10.2022 i.e. S.No.96 at west side of Puncture Bhai shop in Red Hills Road, Vishnuvakkam panchayat



instead of constructing it in S.No.97, Vishnuvakkam Village, Thiruvallur which is the place the 4th respondent is now proposing to construct.

WEB COPY

For the Petitioner : Mr.D.Muthuramalingam

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 to 5

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The writ petition has been filed alleging that the proposed place of bus shelter in Survey Nos.96 and 97, Arunthathiyar Natham, Vishnuvakkam Village, Thiruvallur Taluk, is part of a waterbody.

2. The facts given in the writ petition show that Survey Nos.96 and 97 are part of waterbody, yet, a proposal has been made to construct bus shelter in the said land and, therefore, the present writ petition has been filed.

3. Learned Government Pleader submitted that he had received instructions from the Tahsildar, Thiruvallur and produced it before this Court. The aforesaid instructions dated 16.03.2022 is taken on record.

4. On a perusal of the written instructions dated 16.03.2022 produced by learned Government Pleader, it is clarified that the bus shelter would not be constructed in the land comprised in Survey Nos.96 and 97. Rather, it would be constructed in Survey No.197, which is a government land. In any case, the instructions satisfy the representation of the petitioner not to construct bus shelter in Survey Nos.96 and 97 and, therefore, this Court was inclined to dispose of the writ petition with the clarification aforesaid.

5. At this stage, learned counsel for the petitioner made a contest even for raising bus shelter in Survey No.197. It is without there being a prayer in the writ petition. The land of Survey No.197 is not part of waterbody, yet, serious objection has been raised. The contest is now going beyond the scope of the writ petition. The effort of the petitioner seems to be



somehow to frustrate the proposal of the government to construct bus shelter even in Survey No.197 for the benefit of the public. It is for the authorities concerned to decide where a bus shelter has to be put up. It cannot be as per the wishes of the petitioner.

6. Taking cognizance of the conduct of the petitioner to somehow stall the construction of bus shelter even in government land, the writ petition is dismissed with imposition of cost of Rs.3,000/- (Rupees Three Thousand) to be paid by the petitioner to the Tamil Nadu State Legal Services Authority within fifteen days from the date of receipt of a copy of this order. Consequently, W.M.P.No.6298 of 2022 is closed.

7. The Registrar (Judicial), High Court, Madras is directed to ensure compliance of payment of cost within the stipulated time and if payment of cost is not made, the disposed of writ petition may be listed again before this Court to take appropriate proceedings in the matter.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

bbr

To:

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai-600 009.
2. The District Collector,
First Floor,
Collectorate,
Thiruvallur-602 001.
3. The Tahsildar,
Thiruvallur Taluk Office,
JN Road, Thiruvallur - 602 001.
4. The Block Development Officer,
Thiruvallur Panchayat Union,
Thiruvallur - 602 001.



5. The Village Panchayat President,
Vishnuvakkam Panchayat,
Thiruvallur - 602 003.

6. The Registrar (Judicial)
High Court of Madras.

7. The Member Secretary,
Tamil Nadu State Legal Service Authority,
Chennai.

+1cc to Mr.D.Muthuramalingam, Advocate, S.R.No.18702

+1cc to the Government Pleader, S.R.No.18193

W.P.No.6231 of 2022

SPD(CO)
RLP(25/03/2022)