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W.P.No.26356 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.26356 of 2022
and W.M.P.Nos.25429 & 25430 of 2022

N.Vinayagam

... Petitioner

Vs.

1.The District Collector
Ranipet District
Ranipet 632 401

2.The Block Development Officer
Kaveripakkam Panchayat Union
Kaveripakkam
Ranipet district

3.The Secretary
Banavaram Panchayat
Banavaram, Sholinghur Taluk
Ranipet District

4.The Assistant Divisional Engineer
Highways department
Arakkonam, Ranipet District 631003

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for



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the records pertaining to the impugned order passed by the 1st respondent vide order Na.Ka.A2/3032/2021, dated 09.09.2022 and quash the same as illegal,arbitrary and further forbearing the respondents from putting up the bus stop shelter in front of the petitioner's house situated at No.86, Sholinghur Road, Rangapuram Koot Road, Banavaram Post, Sholinghur Talj, Ranipet District – 632 505, bearing Plot No.1, survey No.491/1A1B in Banavaram Village, Sholinghur Taluk, Ranipet District.

For Petitioner : Mr.R.Chakkaravarthy

For Respondents : Mr.N.Naveen Kumar,
Govt. Advocate for R1 & R4

Mr.T.Arunkumar
AGP for R2 & R3

ORDER

The Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent vide order Na.Ka.A2/3032/2021, dated 09.09.2022 and quash the same as illegal,arbitrary and further forbearing the respondents from putting up the bus stop shelter in front of the petitioner's house situated at No.86, Sholinghur Road, Rangapuram Koot Road, Banavaram Post, Sholinghur



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Talj, Ranipet District – 632 505, bearing Plot No.1, survey No.491/1A1B in Banavaram Village, Sholinghur Taluk, Ranipet District.

2.It is the case of the petitioner that, he is the owner of the property of a residential house and a land situated at No.86, Sholinghur Road, Rangapuram Koot Road, Banavaram Post, Sholinghur Talj, Ranipet District – 632 505, bearing Plot No.1, Survey No.491/1A1B in Banavaram Village, Sholinghur Taluk, Ranipet District. There was a small old bus shelter in front of his house and due to some accident, the bus shelter got completely damaged and collapsed, subsequent to which the 2nd and 3rd respondents are proposing to put up a construction of new bus stop shelter with frontage length of 21 feet and breadth 8 feet.

3.It is his further contention that, his property, the residential house frontage is only 20 feet and there was already a big tree about 4.5 feet width in front of his house. The proposed new bus shelter would be covering the entire frontage of his house preventing ingress and egress for his house. Only two feet is available next to the big tree on the eastern side in front of



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his property. Therefore seeks direction of this Court to construct the new bus shelter 10 feet away from the proposed site after providing ingress and egress to his house.

4.Counter has been filed by the 1st respondent. It has been stated in the counter that there was already a bus stop shelter constructed 35 years ago in the Banavaram Panchayat in S.No.444 and it was situated in the intersection where three roads leading to Kaveripakkam, Walaja and Sholinghur converge. The said bus stop shelter was common for the villages of Rangapuram, Manguppam and Lakshmipuram. It was hugely beneficial to the general public and the school students and it protected them from the scorching sun and the occasional rains. Since it was damaged in the accident, there was a dire need to construct a new bus shelter.

5.It is further stated in the counter that there is a proposal to construct a new bus shelter in the same place where the old bus shelter was existing as the same was damaged due to some accident. It has been proposed to put up



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in front of the petitioner's house under 'Namaku Naame' scheme. Aggrieved by the same, the petitioner gave a representation against the said proposal which was rejected by the Block Development Officer vide his proceedings in Na.Ka.A2/3032/221. The Banavaram Panchayat has also passed a resolution on 10.10.2022 to construct a new bus shelter. According to the respondents there is sufficient space available for the petitioner's ingress and egress to his house and the petitioner have never raised any objection against the previously existing bus shelter, whereas, he is irrationally objecting to the new one.

6.It is the further contention of the respondents that the proposed bus stop shelter will be 3.5m in length and 6m in width. The front portion of the proposed bus stop is said to have 3 m space from the edge of the bituminous surface. The proposed bus stop shelter would be built in front of the petitioner's house and even after the construction of the bus stop, there will be five feet empty space between the entrance of the petitioner's house and the road, through which, the petitioner can access the road. The said space was available even when the old bus shelter was in existence. There can be



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free ingress and egress of small and medium commercial vehicles to the petitioner's house even after the construction of a new bus stand. Furthermore, the Village Administrative Officer has also given a report stating that apart from the Survey No.444 admeasuring 0.51 Oares, there are no other alternate lands available for construction of the proposed bus shelter before 50 m and after 50 m from the selected site. The proposed bus shelter is in the intersection where three roads leading to Kaveripakka, Walajah and Sholinghur converge and it is situated opposite to the school. Hence opposed the writ petition.

7.Learned counsel for the petitioner submitted that there is another poromboke land available nearby place in the said area and the respondents can put up bus shelter there instead of blocking the passage and frontage of the petitioner's house.

8.Learned counsel for the respondents would submit that, originally an old bus shelter was existing in the proposed site and the same was damaged due to some accident. Therefore, for the benefit of three villages



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and under the 'Namaku Naame' scheme, the respondents have decided to put up a new bus shelter in the same place where it was originally existed. It is their further contention that putting up a new bus shelter in its original place will not be a hindrance to the petitioner's access to his house.

9.I perused the entire materials. The photographs filed before this Court by both sides clearly show that in the proposed place, there was originally existed a bus shelter, which was not disputed by the petitioner. The old bus shelter was also existed in front of the petitioner's house. Now, the proposed new bus shelter also will be put up in the very same original bus shelter place which never restricted the petitioner from having access to his house.

10.On a perusal of the photographs, it is seen that a new bus shelter will be put up after the huge tree standing in front of the petitioner's house and next to the tree, there are sufficient place available to the petitioner to reach his house. In fact, a concrete passage is also built by the petitioner,



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which is no way going to be affected by the proposed new bus shelter by the respondents.

11.Such view of the matter, when the original bus shelter was admittedly existed in the very same place and got damaged due to accident, putting up a new bus shelter now in its original place will not take away the petitioner's right and his access to the house.

12.Such view of the matter, the petitioner cannot dictate terms to the respondents to choose a place for his own convenience. Admittedly, a passage to his house is not obstructed. Such view of the matter, the petitioner cannot question the respondents in putting up a bus shelter for the benefit of the villages in its original place where it was originally existing.

13.Such view of the matter, I do not find any merits in the writ petition. Writ Petition stands dismissed accordingly. The respondents are



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directed to ensure that the existing passage to the house of the petitioner shall not be obstructed on the premise of construction of a new bus stand.

Consequently, the connected miscellaneous petitions are closed. No costs.

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Index : Yes / No

Internet : Yes / No

Speaking / Non speaking order

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To

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