



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.03.2022**

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P (MD) .No.4114 of 2022

and

W.M.P (MD) .No.3543 of 2022

Arulmigu Jambukeswarar Ahilandeswari Temple
Thiruvanaikaval, H.R&C.E. Temple,
Tiruchirappalli District,
Rep. by its Executive Officer/Assistant Commissioner,
Mr.C.Mariappan.

.. Petitioner

/Vs./

1.The Commissioner,
Tiruchirappalli City Municipal Corporation,
No.58, Bharathidasan Salai,
Contonment,
Tiruchirappalli-620 001,
Tamil Nadu.

2.The Assistant Commissioner,
Srirangam Zonal Office,
Tiruchirappalli City Municipal Corporation,
No.14, Gandhi Road,
Srirangam, Tiruchirappalli-620 006,
Tamil Nadu.

3.The Superintending Engineer,
State Highways Department,
Construction and Maintenance,
No.888, TVS Tollgate,
Subramaniapuram,
Trichirapalli-620 020.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 herein not to construct any kind of construction including Bus Stop directly in adjacent to the petitioner owned property bearing Survey Nos.:2093, 2094 and 2095 respectively to an total extent of 586 Sq.Ft., vacant land owned and maintained by Arulmigu Jambukeswarar Ahilandeswari Temple, Thiruvanaikaval, Tiruchirappalli District and to consequently direct the respondents



to shift the proposed location of the bus stop to some other location within a stipulated time as fixed by this Court.

For Petitioner	:	Mr.S.Bharathy Kannan
For R1 & R2	:	Mr.R.Baskaran Standing Counsel
For R3	:	Mrs.S.Jeyapriya Government Advocate

ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the respondents 1 to 3 herein not to construct any kind of construction including Bus Stop, adjacent to the petitioner's property bearing Survey Nos:2093, 2094 and 2095 measuring to a total extent of 586 Sq.Ft., based on the petitioner's representation dated 27.02.2022.

2.According to the petitioner, the temple is the absolute owner of the aforementioned properties. It is the case of the petitioner that a portion of the land was acquired by the third respondent for road widening, which is not under dispute. However, the second respondent has attempted to construct a bus stop in front of the petitioner's property, which affects ingress and egress of the shops proposed to be built by the petitioner temple. In such circumstances, the petitioner temple has given a representation to the respondents on 27.02.2022. Since the representation has not been considered, the petitioner has filed this writ petition.

3.Heard Mr.S.Bharathy Kannan, learned counsel appearing for the petitioner, Mr.R.Baskaran, learned Standing Counsel, who accepts notice on behalf of the first and second respondents and Mrs.S.Jeyapriya, learned Government Advocate, who accepts notice on behalf of the third respondent.

4.The learned Standing Counsel appearing for the first and second respondents, on instructions, would submit that the petitioner's request for shifting the bus stop has been accepted and the said bus stop will be shifted 50 meters away from the existing place, where the second respondent earlier had proposed to construct a bus stop. The said statement is recorded.

5.However, the learned counsel appearing for the petitioner submits that as on date, certain poles have been erected in the existing place by the second respondent, which has to be removed.

6.The learned Standing Counsel appearing for the first and second respondents, on instructions, would submit that the poles will be removed. The said statement is recorded.



7.After recording the submissions made by the respective counsel, this Court directs the second respondent to shift the bus stop, which is proposed to be constructed in front of the petitioner's property to some other place and also directs the second respondent to remove the poles in the existing place, where the second respondent earlier proposed to construct a bus stop, within a period of one (1) week from the date of receipt of a copy of this order.

8.With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (R)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

SM

To

1.The Commissioner,
Tiruchirappalli City Municipal Corporation,
No.58, Bharathidasan Salai,
Contonment,
Tiruchirapalli-620 001,
Tamil Nadu.

2.The Assistant Commissioner,
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3.The Superintending Engineer,
State Highways Department,
Construction and Maintenance,
No.888, TVS Tollgate,
Subramaniapuram,
Trichirapalli-620 020.

+1 CC to M/s.R.BASKARAN, Advocate (SR-10824[F] dated 09/03/2022)

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



+1 CC to M/s.S.BHARATHY KANNAN, Advocate (SR-10811[F] dated 09/03/2022)

+1 CC to M/s.SPL.GP (SR-10959[F] dated 09/03/2022)

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