



W.P.No.6785 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.6785 of 2018 & WMP.No.8409 of 2018

M/s.Hotel Sudhara
87, Usman Road, T.Nagar,
Chennai – 600 017
Rep. by its Managing Partner K.Prabu

... Petitioner

Vs

1. The Metropolitan Transport Corporation,
Rep. by its Managing Director,
Pallavan Salai, Chennai.
 2. The General Manager [Operation],
Metropolitan Transport Corporation,
T.Nagar Depot, T.Nagar, Chennai – 600 017.
 3. The Assistant Manager,
Project and Development,
Metropolitan Transport Corporation, Chennai – 600 013.
 4. The Commissioner,
Corporation of Chennai, Rippon Buildings,
Egmore, Chennai – 600 008.
- ... Respondents



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Prayer:- Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus forbearing the respondents, their men servants or agents or anyone claiming under them from in any manner preventing or blocking the entrance of the petitioner hotel in Burkit Road and from using part of the Burkit Road along side petitioner's property on the southern Compound Wall and entrance of the petitioner's Hotel situate at Door No.39, along with shops and 40 Burkit Road, T.Nagar, hennai, as Bus Bay No.147, 147B, 147C, 147C Ext., 147S and 147V for parking their buses.

For Petitioner : Mrs.A.L.Gandhimathi, Senior Counsel
for Mr.C.Santhosh Kumar

For Respondents : Mr.M.Chidambaram – R1 to R3

Mrs.P.T.Ramadevi – R4

ORDER

This Writ Petition has been filed to forbear the respondents the respondents, their men servants or agents or anyone claiming under them from in any manner preventing or blocking the entrance of the petitioner hotel in Burkit Road and from using part of the Burkit Road along side petitioner's property on the southern Compound Wall and entrance of the petitioner's Hotel situate at Door No.39, along with shops and 40 Burkit



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Road, T.Nagar, Chennai, as Bus Bay No.147, 147B, 147C, 147C Ext., 147S and 147V for parking their buses.

2. The case of the Writ Petitioner is that the Writ Petitioner is the absolute owner of the property at Door No.86, 87 and 88 of Usman Road, T.Nagar, Chennai and Door No.39 and 40 at Burkit Road T.Nagar, Chennai. The petitioner is carrying on business in the said properties under the name and style 'Hotel Sudhara'. It is the contention of learned counsel appearing for the Writ Petitioner that earlier, the petitioner filed a Writ Petition in W.P.No.29324 of 2015 wherein this Court has passed the following Order :

"The Commissioner of Police, Chennai is directed to nominate a senior officer, who is in charge of the traffic arrangements in that area, preferably in the rank of Joint Commissioner of Police, who will conduct an inspection in that area in the presence of the Managing Partner of the petitioner and the senior officer of Metropolitan Transport Corporation, the Branch Manager of the T.Nagar Depot, MTC as well as the Regional Deputy Commissioner of Corporation of Chennai,



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South zone and the inspection has to be conducted in an appropriate time preferably, during peak hours to ascertain the full facts. If there is blockage of entrance of the petitioner's premises, then proper direction should be given by the Joint Commissioner of Police (traffic) to the Metropolitan Transport Corporation to ensure that free ingress and egress to the petitioner's hotel is not blocked and the traffic in that area be regulated."

After such an Order, only for few months there was no problem. Once again, now buses have been parked in front of the gate of the petitioner, blocking access to the petitioner's hotel. Hence, seeks a direction.

3. The learned counsel appearing for the respondents 1 to 3 filed a counter. According to them, the hotel is having two entrances, one entrance is faced to Usmand Road in Door No.86, 87 and 88. Another entrance faced to Burkit Road and Door No.39 and 40. There are two gates, one for entrance [in gate] and another Gate for exit [out gate]. Bus shelter was installed by the Corporation of Chennai just 10ft. away from



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the inner gate of the hotel for the convenience of the public and the customers of the petitioner hotel. There is a 80 ft. length compound wall in between both the gates. In the centre of the compound wall, the bus shelter is installed. The bus shelter cum plat form width being 5 ft. and the bus width being 8 ft. and the burkit Road width is 80 ft. After 5 + 8 + 13 feet, the remaining 27 feet is available in the road. The said gap of 27 feet is enough for going of other buses. The buses halt for only 10 minutes and they will not block the access to the petitioner.

4. Considering the averments in the counter and the earlier Writ Petition filed by the Writ Petitioner, as the bus shelter has already been installed, the respondents shall ensure that the buses shall not be parked in front of the entrance to the petitioner hotel. The respondents are also directed to ensure that the drivers shall strictly follow the instructions and shall not park the buses in front of the petitioner's hotel preventing their access. The authorities shall also conduct surprise checks to find out whether the buses are parked in front of the gate blocking entry to the hotel. Such an exercise shall be carried out regularly in order to prevent blockage in front of the petitioner's gate.



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5. With the above directions, this Writ Petition is disposed of.

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Consequently connected miscellaneous petition is closed. No costs.

21.02.2023

Index: Yes/No

Neutral Citation : Yes/No

vrc

To,

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N.SATHISH KUMAR, J.

VTC

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