

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 1.2.2023

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THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.34023 of 2022
and W.M.P.No.33478 of 2022

P.Udhayashankar ... Petitioner

Vs.

1 The Managing Director
Metropolitan Transport Corporation,
Pallavan House, Chennai 600 002.

2 The Commissioner,
Greater Chennai Corporation, Ripon Building,
Chennai 600 003.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents not to erect bus shelter in front the petitioner's residence and office situated at New Door No.507 Old No. 200 Konnur High Road, Ayanavaram, Chennai 600 023 thereby preventing the petitioner's passage and access to the petitioner's residence and office by considering the petitioner's representation dated 14.12.2022 within a time frame as stipulated by this Court.

For Petitioner : Mr.M.Sriram
For Respondent No.1 : Mr.R.Balaji
For Respondent No.2 : Mrs.T.Ramadevi

ORDER

Writ petition is filed seeking mandamus, directing the respondents not to erect bus shelter in front of the petitioner's residence and office situated at New Door No.507, Old No.200, Konnur High Road, Ayanavaram, Chennai 600 023 by considering the petitioner's representation dated 14.12.2022.

2. The case of the petitioner is that the workers of the second respondent have dug up the platform and are laying foundation for setting up a new bus shelter in front of his house. It is very difficult for him and his family members to access the road and even the petitioner cannot park his Car inside the house.

3. Learned counsel appearing for the second respondent would submit that once storm water drainage system started, original bus shutter was removed and new shutter will be constructed. According to him, they will realign the pillar on the leftside shutter, so that no obstruction whatsoever would be caused to the petitioner's ingress and egress.

4. Heard the learned counsel appearing for the petitioner, learned counsel appearing for the second respondent and perused the materials available on record.

5. Learned counsel appearing for the petitioner would submit that if they leave four feet on the eastern side and erect new shutter, it will not cause much difficulties.

6. Learned counsel appearing for the second respondent would submit that they will leave four feet space on the eastern side of the second shutter and realign the pillar to construct new shutter.

7. Recording the submission made by the counsel appearing for the first respondent, the respondents are directed to leave four feet space at the eastern side of the second shutter and realign the pillar to construct new bus shutter, so that no obstruction whatsoever would be caused to the petitioner's ingress and egress.

With the above directions, the writ petition stands disposed off.
No costs. Connected miscellaneous petition is closed.

1.2.2023

Speaking/Non Speaking order

Neutral citation: Yes/No

Index: Yes/No

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To

- 1 The Managing Director
Metropolitan Transport Corporation, Pallavan House, Chennai 600 002.
- 2 The Commissioner,
Greater Chennai Corporation, Ripon Building, Chennai 600 003.

N.SATHISH KUMAR, J.

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W.P.No.34023 of 2022
and W.M.P.No.33478 of 2022

Dated: 1.2.2023

N.SATHISH KUMAR,J.

This petition is listed today under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submitted that this Court, by an order dated 01.02.2023, has disposed of the writ Petition and there are some typographical error available in paragraph Nos.3,5,6 and 7 as the shutter instead of the "shelter". Likewise, in the 6 & 7th paragraphs of the order portion, it is mentioned as "first respondent" instead of "second respondent" and further, in the 3rd para, it is mentioned as leftside shutter and it has to be typed as "Eastern shutter". Therefore, the learned counsel prays to make necessary corrections and to issue fresh order copy.

3. In view of the above submission made by the learned counsel for the petitioner, this Court is inclined to modify the same in the order dated 01.02.2023 as follows:

*"3. Learned counsel appearing for the second respondent would submit that once storm water drainage system started, original bus **shelter** was removed and new **shelter** will be constructed. According to him, they will realign the pillar on the **eastern shutter**, so that no obstruction whatsoever would be caused to the petitioner's ingress and egress.*

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N.SATHISH KUMAR,J.

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5. *Learned counsel appearing for the petitioner would submit that if they leave four feet on the eastern side and erect new **shelter**, it will not cause much difficulties.*

6. *Learned counsel appearing for the second respondent would submit that they will leave four feet space on the eastern side of the second shutter and realign the pillar to construct new **shelter**.*

7. *Recording the submission made by the counsel appearing for the **second respondent**, the respondents are directed to leave four feet space at the eastern side of the second shutter and realign the pillar to construct new bus **shelter**, so that no obstruction whatsoever would be caused to the petitioner-s ingress and egress."*

4. Except the above modifications, remaining portion of the order dated 01.02.2023 shall stand unaltered. Registry is directed to issue a fresh order copy after making necessary corrections.

27.02.2023

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W.P.No.34023 of 2022