



W.P. No. 32812 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 32812 of 2023

and

W.M.P. No. 32439 of 2023

Yasin M.

... Petitioner

-VS-

State represented by

1. The Director General,
Department of Highways,
No. 76, Sardar Patel Road,
Opp. to Rajbhavan,
Little Mount,
Guindy,
Chennai – 600 025.
2. The Divisional Engineer,
Highways Department,
Kallakurichi & District.
3. The Assistant Divisional Engineer,
Highways Department,
Thirukoilur,
Kallakurichi District.
4. The Executive Officer,
Manalurpettai Municipality,
Manalurpettai,
Kallakurichi District.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the Respondents from rebuilding the bus shelter in front of the Petitioner's shops comprised in R.S. No. 59/1a with an extent of 852 sq. ft. situated at Thiyyagadurugam to Thiruvannamalai State Highway, Manalurpettai, Vanapuram Taluk, Kallakurichi District.

For Petitioner : Mr. R.Prabudoss

For Respondents : Mr. S.J.Mohamed Sathik,
Government Advocate (for R1 to R3)

Mr. J.C.Durairaj (for R4)

ORDER

Heard Mr. R.Prabudoss, Learned Counsel for the Petitioner, Mr. S.J.Mohamed Sathik, Learned Government Advocate appearing for the First to Third Respondents and Mr. J.C.Durairaj, Learned Counsel for the Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that while reconstructing the bus shelter in front of the shops measuring an extent of 852 sq. ft. comprised in R.S. No. 59/1a, Manalurpettai, Vanapuram Taluk, Kallakurichi District, belonging to him, access to his said property has been restricted and he had



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made a representation dated 01.11.2023 to the First and Third Respondents, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

3. In furtherance to the order dated 28.11.2023 passed by this Court, the Third Respondent has filed a Counter-Affidavit dated 30.12.2023 stating as follows:-

“4. It is humbly submitted that there was a bus shelter at Manalurpettai and there was a drain under the bus shelter which is used to drain the water. Further submits that the existing drain runs under the shelter at this location. Storm water could not be adequately drained by the existing drain at this location. Therefore, it is proposed that a new, larger drain be built. Hence the existing bus shelter was demolished and rebuilt in order to make space for drain the storm water. At this stage, the Petitioner has filed the present Writ Petition.

5. It is submitted that since the above said bus shelter was constructed by the Manalurpettai Town Panchayat, the proposed location of new bus shelter will be decided in consultation with



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the Executive Officer of Manalurpettai Town Panchayat

WEB COPY *according to the needs of the public and availability of space.*

6. *It is submitted that there is no intention to disturb the access to the shops of the Petitioner. It is submitted that the new bus shelter will be constructed as per the decision of the Manalurpettai Town Panchayat and availability of space and particularly the welfare of the general public will be considered during the construction of new bus shelter.*

7. *It is submitted that the measurement for the new drain is two meters and size of the bus shelter is 9m x 3m. It is submitted that the construction of new bus shelter has not yet been commenced. The drain passes through Survey No. 66 which is Government land.”*

In view of the aforesaid action taken by the Third Respondent, nothing remains for further consideration in the Writ Petition, but if the Petitioner still has any grievance to be redressed in the matter, he is not precluded from working out his rights before the proper forum in the manner recognized by law.



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In the result, the Writ Petition is disposed with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed.

No costs.

13.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 14.02.2024.

vjt

To

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P.D. AUDIKESAVALU, J.

vjt

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