



W.P.No.26871 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.26871 of 2018 and
W.M.P.No.31212 of 2018

M.Bakkiyalakshmi

...Petitioner

Vs

1. The Secretary to Government of Tamilnadu,
Department of Highways and Minor ports,
Secretariat, Chennai.
2. The Divisional Engineer (B & M),
Department of Highways,
Pollachi, Coimbatore District.
3. The Assistant Divisional Engineer (B & M),
Department of Highways,
Valparai, Pollachi Taluk,
Coimbatore District.
4. The Managing Director,
Tamilnadu Tea Plantation Corporation Ltd,
TANTEA Complex, Coonoor, 643 101.

...Respondents

PRAYER: Petition filed Under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned orders passed by the third respondent in Ka.No.16/2017/E Va Aa/dated 13.04.2018 and subsequent order in Ka.No.16/2017/E Va Aa/ dated 04.06.2018 and quash the same



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and consequently direct the respondents 1 to 3 to permit the petitioner to run the TANTEA BUNK alongside Angalakurichi – Sangampalayam Road, Pollachi Taluk at K.M.0/10 measuring an extent of 10 * 10 feet for the further period one year (i.e) 2018 – 2019 by considering the petitioner's representation dated 18.09.2018.

For Petitioner : Mr.D.R.Arun Kumar

For Respondents : Mr.M.Alagu Goutham
Government Advocate for RR1 to 3

ORDER

This petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned orders passed by the third respondent in Ka.No.16/2017/E Va Aa/dated 13.04.2018 and subsequent order in Ka.No.16/2017/E Va Aa/ dated 04.06.2018 and quash the same and consequently direct the respondents 1 to 3 to permit the petitioner to run the TANTEA BUNK alongside Angalakurichi – Sangampalayam Road, Pollachi Taluk at K.M.0/10 measuring an extent of 10 * 10 feet for the further period one year (i.e) 2018 – 2019 by considering the petitioner's representation dated 18.09.2018.

2. It is the case of the petitioner that she is running a sales bunk shop near the state highways from the year 2016 after getting proper



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permission from the second respondent. Further, the petitioner submitted No Objection Certificates from the Executive Officer of Kotur Panchayat and Sub Inspector of Police, Kottur Police Station to the third respondent seeking extension of lease period from the year 2018 – 2019. Further the third respondent vide orders dated 13.04.2018 and 04.06.2018 directed the petitioner to vacate the premises and declined to extend the lease period without assigning any reason. Challenging the same the present writ petition has been filed.

3. Learned counsel appearing for the petitioner submitted that since there was obstruction to the free flow of traffic, the petitioner herself removed the said bunk shop. Hence, this Court may permit the petitioner to file a fresh application to the respondents seeking allotment of space to set up new bunk shop.

4. Today when the matter is taken up for hearing learned counsel for the respondents 1 to 3 has submitted the proceedings dated 08.03.2023 of the third respondent before this Court wherein it is clear that due to heavy traffic, the petitioner herself removed the said bunk shop. Hence he prayed for passing appropriate orders.



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WEB COPY 5. Heard both sides.

6. Recording the submission made by learned counsel appearing for the petitioner and also learned Government Advocate appearing for respondents 1 to 3, this writ petition is closed with liberty to the petitioner to file a fresh application before the respondents seeking allotment of space to put up new bunk shop and on receipt of such application the respondents are directed to pass appropriate orders in the manner known to law. Consequently, connected miscellaneous petition is closed. No costs.

13.03.2023

Index : Yes / No

Speaking/Non-speaking order : Yes / No

RAP



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To

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M.DHANDAPANI, J.

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