



W.P.(MD) No.5896 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.5896 of 2023
and
W.M.P.(MD) No.5480 of 2023**

Veerasenan

... Petitioner

-VS-

- 1.The Principal Secretary
Government of Tamil Nadu
Municipal Administration and
Water Supply Department
Fort St.George, Chennai-600 009
- 2.The District Collector
Thanjavur District
Thanjavur
- 3.The Tahsildar
Pattukkottai Taluk
Thanjavur District
- 4.The Commissioner
Pattukkottai Municipality
Pattukkottai-614 604
Thanjavur District



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5.The Executive Engineer
Public Works Department
Grant Anaicut Channel (Division)
Santhapillai Gate
Thanjavur Town, Thanjavur District

6.The Municipal Engineer
Pattukkottai Municipality
Thanjavur District

7.The Commissioner for Transport
Chepauk, Chennai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the fourth respondent from constructing proposed new bus stand for Pattukkottai Municipality in SF.No.177A/2, 175/1, 178B/2, 172A/1, having extent of 6.50 acres, situate at Nariyampalayam, Pattukkottai Municipality, Pattukkottai District and consequently direct the fourth respondent to construct the proposed new bus stand at Block No.6, Town Survey Number 10 with respective S.No.227/3 and the old bus stand situate in block No.6, on the adjacent northern side of present bus stand by considering petitioner representation dated 23.01.2023.

For Petitioner : Mr.V.Balasundaram, Senior Counsel
assisted by Mr.M.Karunanithi

For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by Mr.P.Thilakkumar
Government Pleader



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Heard Mr.V.Balasundaram, learned Senior Counsel, appearing for the petitioner and Mr.J.Ravindran, learned Additional Advocate General, appearing for the respondents.

2. Prayer in this writ petition reads as follows:

“For the reasons stated in the accompanying affidavit, it is just and necessary that this Court may be pleased to issue a writ or order or direction or any other writ in the nature of WRIT OF MANDAMUS forbearing the 4th respondent from constructing proposed new bus stand for Pattukkottai Municipality in SF.No.177A/2, 175/1, 178B/2, 172A/1, having extent of 6.50 acres situate at Nariyampalayam, Pattukkottai Municipality, Pattukkottai District, and consequently direct the 4th respondent to construct the proposed new bus stand at Block No.6, Town Survey Number 10 with respective S.No.227/3 and the old bus stand situate in block No.6 on the adjacent northern side of present bus stand by considering petitioner representation dated 23.01.2023 and pass such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.”



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3. Mr.V.Balasundaram, learned Senior Counsel, appearing for the petitioner would vehemently contend that the land, in which the proposed bus stand is to be constructed, was originally acquired in the year 1964 for the purpose of construction of water storage tank and therefore, the said land cannot be used for construction of a bus stand. He would further contend that the portion of the land in question has been handed over to the Pattukkottai Polytechnic Society and therefore, the land available will not be enough to meet the needs of the bus stand.

4. Location of a bus stand and the extent of land required are all things to be decided by the competent authority and it being a policy decision, we do not think this Court can interfere with the policy decision.

5. As regards the first contention of the learned Senior Counsel that the land acquired for a particular purpose cannot be used for any other purpose, also there is no prohibition either under the Land Acquisition Act, 1894 or under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, against such user of the land for some other purpose.



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6. The learned Senior Counsel would point out that the location, in which the the proposed bus stand is to be constructed, can be accessed only through a 3 ½ Meter wide bank of the canal.

7. As already pointed out, these are all the things to be considered by the competent authority, while deciding the location of the bus stand. We do not think we have expertise to go into these aspects. We, therefore, see no reason to entertain this writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

20.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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