



W.P(MD)No.14304 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)No.14304 of 2023
and
W.M.P(MD)No.12108 of 2023**

Pradeep

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by the Secretary, Municipal Administration and
Water Supply Department,
Secretariat, Fort St.George,
Chennai-9.

2. The Commissioner of Municipal Administration,
Ezhilagam, Annex Building,
Chepauk, Chennai.

3. The Director of Town and Country Planning,
Directorate of Town and Country Planning,
Koyembedu, Chennai-07.

4. The District Collector,
District Collectorate,
Madurai, Madurai District.

5. The Commissioner,
Usilampatti Municipality,
Usilampatti, Madurai District.



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6. The Commissioner,
Usilampatti Panchayat Union,
Usilampatti, Madurai District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent Nos.3 and 5 herein from constructing a new Bus Stand at Usilampatti, Madurai District, without obtaining approval in accordance with Tamil Nadu Motor Vehicles Rules 1989 in Rule 245.

For Petitioner	: Mr.T.Lajapathi Roy, Senior Counsel for Mr.S.Rajasekar
For R1 to R4	: Mr.Veera Kathiravan Additional Advocate General for Mr.P.Thilakkumar, Government Pleader
For R5	: Mr.Austin, Standing Counsel
For R6	: Mr.A.Baskaran Additional Government Pleader

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

This Public Interest Litigation is by a resident of Usilampatty Taluk with the prayer for issuance of a Writ of Mandamus, forbearing the respondent Nos.3 and 5 herein from constructing a new Bus Stand at Usilampatti, Madurai District, without obtaining approval in accordance with Rule 245 of the Tamil Nadu Motor Vehicles Rules, 1989.



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2. It is admitted by the petitioner that the respondents 2 and 5 herein have demolished the existing bus stand with the proposal to construct a new bus stand in the same place with certain modifications with the facilities and infrastructure required in public interest. The grievance of the petitioner is that Rule 245 of the Tamil Nadu Motor Vehicle Rules, 1989, specifically requires the local authority to apply to the Regional Transport Authority for approval of any scheme for construction of a public bus stand. Rule 245 appears to be mandatory. However, the object behind Rule 245 is only in public interest so that the scheme will indicate the provisions and facilities that are to be provided in the public bus stand thereby there will be no disorderliness while providing service to the transport vehicles and the public.

3. The learned Additional Advocate General, on instructions, stated that the existing building as a whole is demolished and pulled down to ground and tender had already been floated after drawing the scheme with the concurrence of all the statutory authorities. However, the learned Additional Advocate General submitted that the inauguration of bus stand will be only after the approval of the



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scheme by the competent authority. The learned Additional Advocate General also submitted that the present litigation is initiated by the tenants who have been evicted by the respondents in contemplation of new construction.

4. Having regard to the object behind Rule 245 as it exists in the statute, this Court finds that the requirement of Rule 245 of the Tamil Nadu Motor Vehicle Rules, 1989, can be complied with before the inauguration or commencement of the bus stand. Recording the undertaking that the local body will obtain approval for the scheme as contemplated under Rule 245, this Writ Petition is closed with a direction to the respondents 2 and 5 that they shall not inaugurate or commence the operation of bus stand without the approval of competent authority in terms of Rule 245 of the Tamil Nadu Motor Vehicle Rules, 1989. No costs. Connected miscellaneous petition is closed.

[S.S.S.R, J.]

[D.B.C., J.]

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Index : Yes / No
Neutral Citation : Yes / No
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