



W.P(MD)No.26845 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26845 of 2023

P.Valliappan

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Madurai Municipal Corporation,
Madurai City,
Madurai.

3.The Deputy Commissioner of Police,
Traffic and Investigation Wing,
Madurai Town, Madurai.

4.The Executive Engineer,
Public Works Department,
(Water Resources Department,)
Periyar Main Kalvai Sub Division No.1,
Tallakulam, Madurai.

5.The Executive Engineer,
Highways Department,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents herein to take necessary and immediate action for shifting the Bus Stop which



W.P(MD)No.26845 of 2023

is situated in S.No.32/1 Opposite to Meenakshi Mission Research Hospital, Madurai to a distance of 50 meters in due compliance of the proceedings issued by the District Collector, Madurai vide proceedings vide O.Mu.No.16523/2021-C5 dated 07.06.2021, proceedings of the Assistant Executive Engineer, PWD Periyar Main Channel, Sub Division No.1 Madurai also sent a letter to the Engineer, Madurai Corporation, Thallakulam in Letter No.Nfh. 21/2023/cnr.ngh1 dated 10.05.2023 and also proceeding issued by the third respondent sent to his higher official viz. The Commissioner, Traffic and Investigation vide his proceedings dated 28.04.2021 and by considering the undertaking given by the petitioner in his affidavit to bear entire costs of demolition of existing bus stop and construction of new bus stop.

For Petitioner : Mr.S.Parthasarathy
for Mr.V.Malaiyendran

For Respondents : Mr.M.Prakash
Additional Government Pleader for R1, R4& R5
: Mr.A.Albert James
Government Advocate for R3
: Mr.F.Deepak for R2

ORDER

Heard both sides.

2. The petition mentioned bus shelter has been put up on a channel which is located right in front of the petitioner's property. The location of the bus shelter is to be faulted on more grounds than one. Firstly, it is a water body. Secondly, it is causing traffic congestion. Taking note of the same, the District



W.P(MD)No.26845 of 2023

Collector, Madurai had addressed to the Madurai Corporation as early as on 07.06.2021 calling upon the Corporation to shift the bus shelter by atleast 50 meters on the northern side. In fact, similar communications have been sent by the police authorities as well as the Public Works Department. Since these communications have not elicited any response, the present writ petition came to be filed.

3. After hearing the learned counsel at length, I am more than satisfied that the prayer sought for in the writ petition deserves to be granted. The petitioner in fact is even willing to bear the cost of demolition and reconstruction. Of-course, the estimate for such exercise must be prepared in a manner that is reasonable. Since the petitioner is permitted to demolish the petition mentioned bus shelter, it shall be the duty of the petitioner to clear the debris also. It is for the corporation to construct the new bus shelter at the distance of 50 meters away from the existing site on the northern side. The petitioner is directed to remit a sum of Rs.4,00,000/- at the earliest. The corporation shall earmark and identify the site where the new bus shelter is to come up. The petitioner is directed to construct a new bus shelter on his own. But the new bus shelter will have the same dimensions regarding length and breadth as the existing one.



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W.P(MD)No.26845 of 2023

G.R.SWAMINATHAN, J.

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4. The Writ Petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petition is closed.

20.12.2023

Index : Yes / No

Internet : Yes/ No

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NOTE: Issue Order Copy on 22.12.2023

To

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W.P(MD)No.26845 of 2023

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