



WEB COPY



WP.No.619 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

**CORAM :
THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

**WP.No.619 of 2024 and
WMP.No.631 of 2024**

R.Palani

... Petitioner

vs.

- 1.The Project Director,
Chennai Kanyakumari Industrial
Corridor Project (CKICP),
No.76, Sardar Patel Road,
HRS Campus, Guindy,
Chennai-600 025.
- 2.The District Collector,
Cuddalore District,
Cuddalore.
- 3.The District Revenue Officer,
(Land Acquisition)
Chennai Kanyakumari Industrial
Corridor Project (CKICP),
O/o. The Kanchipuram District Collector,
Kanchipuram.
- 4.The Superintendent of Police,
Cuddalore District,
Cuddalore.
- 5.The Divisional Engineer,
(Highways)
Chennai Kanyakumari Industrial



WP.No.619 -J- - - -

Corridor Project (CKICP), Cuddalore.

6.The Assistant Divisional Engineer,
(Highways)
Chennai Kanyakumari Industrial
Corridor Project (CKICP),
Cuddalore.

7.The Tahsildar,
Panruti Taluk,
Panruti,
Cuddalore District.

8.The Inspector of Police,
Pudupet Police Station,
Cuddalore District.

9.The President,
Semakkottai Village Panchayat,
Semakkottai,
Panruti Taluk,
Cuddalore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ Mandamus directing the 5th and 6th respondents not to construct a bus stop with toilet in front on the petitioner's house based on the representation of the petitioner dated 29.12.2023.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : Mr.Vadivelu Deenadayalan
Additional Government Pleader
(for R1 to R3, R5 to R7 & R9)
Mr.R.Kishore Kumar (for R4 & R8)
Government Advocate



WP.No.619 -J- - - -

ORDER

WEB COPY

The petitioner claims to have been residing at Salem Main Road, Semakkottai Village and Post, Panruti Taluk, Cuddalore District – 607 106 (premises/premises in question) with his family. He states that the road in front of his house, which is a State Highway was part of the Chennai-Kanyakumari Highways Corridor Project and was subject to extension on both sides of the road.

2. According to him, at the instigation of the 9th respondent, who is the President of the Semakkottai Village Panchayat, R5 and R6, who are the Divisional Engineer and Assistant Divisional Engineer of Highways respectively have commenced construction of a bus stop and toilet for passengers in front of his house. He has made a representation on 12.06.2023 protesting against the same, reiterated on 16.06.2023 which representation is stated to have been forwarded to R5 for necessary action. He also claims to have made a representation before the National SC/ST Commission in this regard.

3. The petitioner further alleges illegal custody of his family in order to facilitate the construction of the bus stop and toilet in their absence. He has made representation about this as well before the authorities. In all, the writ petitioner prays for a mandamus directing R5 and R6 to desist construction of the bus stop and toilet based on his representation.



4.Mr.Vadivelu Deenadayalan, learned Additional Government Pleader accepts notice for R1 to R3, R5, R6, R7 and R9 and Mr.Kishore Kumar, learned Government Advocate accepts notice for R4 and R8.

5.The writ petition is rife with factual particulars and serious allegations against the authorities.

6.Mr.Vadivelu has assisted the Court to the extent possible with the instructions available and has also circulated written instructions dated 11.01.2024 to the effect that a Peace Committee Meeting was conducted in that area, and it is only pursuant to the same that the bus stop and toilet are being constructed. He would submit that the premises in question is itself a part encroachment. It is for this reason that the part that constituted an encroachment was removed and the road widened. There is nothing untoward in the construction of the bus stop as it is merely being re-constructed after extension of the road.

7.In light of the rival contentions that are heard and also for the reason that the facts touching upon the matter seriously disputed by both parties, it would be best to leave this matter to the consideration of the authority who would be in a position to hear the parties, marshall the necessary facts and pass orders thereafter in accordance with law.

8.Mandamus is thus issued to R2/being the District Collector to hear the petitioner, obtain instructions from the Highways Authorities as well as all other



WP.No.619 -J- - - -

respondents and any other authorities, as he may deem necessary and pass orders on the representation of the petitioner dated 29.12.2023 within a period of two (2) weeks from today in accordance with law.

9.Status quo be maintained only till 01.02.2024 or till passing of orders, whichever is earlier.

10.This writ petition is disposed as above. No costs. Connected miscellaneous petition is closed.

11.01.2024

vs

Index:Yes/No

Speaking order

Neutral Citation:Yes

To

- 1.The Project Director,
Chennai Kanyakumari Industrial
Corridor Project (CKICP),
No.76, Sardar Patel Road,
HRS Campus, Guindy,
Chennai-600 025.
- 2.The District Collector,
Cuddalore District,
Cuddalore.
- 3.The District Revenue Officer,
(Land Acquisition)
Chennai Kanyakumari Industrial
Corridor Project (CKICP),
O/o. The Kanchipuram District Collector,
Kanchipuram.



WP.No.619 -J- - - -

4.The Superintendent of Police,
Cuddalore District,
Cuddalore.

5.The Divisional Engineer,
(Highways)
Chennai Kanyakumari Industrial
Corridor Project (CKICP), Cuddalore.

6.The Assistant Divisional Engineer,
(Highways)
Chennai Kanyakumari Industrial
Corridor Project (CKICP),
Cuddalore.

7.The Tahsildar,
Panruti Taluk,
Panruti,
Cuddalore District.

8.The Inspector of Police,
Pudupet Police Station,
Cuddalore District.



WEB COPY



WP.No.619 of 2024

DR. ANITA SUMANTH,J.

VS

**WP.No.619 of 2024 and
WMP.No.631 of 2024**

11.01.2024