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W.P.No.1428 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

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

W.P.No.1428 of 2022

and

WMP.No.1574 of 2022

M/s. Rakshith Hospital,
Represented by its Director Dr.Ravi,
No.153, Sai Square, Arcot Road, Valasaravakkam,
Chennai – 600 087.

...Petitioner

Vs.

1. The Transport Commissioner,
Commissionerate of Transport and Road Safety,
Ezhilagam,
Chepauk, Chennai – 600 005.
2. The Divisional Manager - Commercial,
Metropolitan Transport Corporation (Chennai) Ltd.,
No.2, Pallavan House,
Mount Road, Chennai – 600 002.
3. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai – 600 003.
4. The Zonal Officer (Zone 11),
Chennai Corporation, Office of the Zonal Officer,
Valasaravakkam, Chennai – 600 087.

...Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent, their officials, agents, representatives or any other person, representatives or any other person acting at their behest from in any way preventing the patients, Doctors, Medical Professionals, Staffs and Suppliers and also preventing the ingress and egress to/out of movement of Ambulances by having a bus stop in any form within 25 meters in and around the petitioner's hospital premises viz., M/s. Rakshith Hospital, located at No.153, Sai Square, Arcot Road, Valasaravakkam, Chennai – 600 087.

For Petitioner : Mr.D.Ferdinand

For Respondents : Mr.LSM.Hasan Fisal, AGP, for R1
: Mrs.C.Sangamithirai, Spl.GP, for R2
: Mrs.Vanitha Joice Raj, for R3 & R4

ORDER

This Writ petition has been filed seeking direction to the 2nd respondent, their officials, agents, representatives or any other person, representatives or any other person acting at their behest not to disturb the ingress and egress of the petitioner hospital.

2. The case of the petitioner is that the petitioner hospital was established in the year 2004 and is functioning at No.153, Sai Square, Arcot



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Road, Valasaravakkam, Chennai-600087. The petitioner hospital has

allocated a dedicated parking space for ambulances in the front portion of the hospital property for its easy movement in case of any emergency, abutting the Arcot road. While so, the 2nd respondent, without any prior notice has shifted the Kesavarthini Bus stop from its original place to right in front of the petitioner hospital and also placed a bus stop sign board within the ambulance parking area, which belongs to the petitioner hospital. Since, the above said illegal act of the 2nd respondent is highly affecting the movement of the ambulances and also the smooth entry and exit to petitioner hospital and causing great hardships to the patients, the petitioner made a representation dated 28.12.2021 before the 2nd respondent to shift the bus stop to some other place and a copy of the said representation was also forwarded to the 4th respondent. However, till date, no orders have been passed on the said representation. Hence, the petitioner has come up with this Writ petition.

3. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues necessary direction forbearing the 2nd respondent, their officials, agents,



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representatives or any other person acting at their behest from in any way preventing the ingress and egress of the petitioner hospital and also to shift the bus stop to some other place not within 25 meters in and around the petitioner hospital premises, by considering the petitioner's representation dated 28.12.2021, as expeditiously as possible.

4. Learned counsel appearing on behalf of the respective respondents submitted that, no bus shelter will be constructed in the land owned by the petitioner hospital and the ingress and egress to the petitioner hospital will not be affected in any manner by the respondents.

5. In view of the fair submission made by the learned counsel appearing for the respective respondents, this Court without going into the merits of the case, directs the respondents to identify a suitable land for putting up a bus shelter for the benefit of the general public, without affecting the ingress and egress of the petitioner hospital and without affecting the movement of the ambulances, within a period of four weeks from the date of receipt of a copy of this order.



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6. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous petition is closed.

14.08.2024

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NCC : Yes / No
Speaking Order : Yes / No
Index : Yes / No

To

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M.DHANDAPANI, J.

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