



W.P.No.8270 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.8270 of 2024

R. Vedhachalam

...Petitioner

Vs

1. The Collector of Cuddalore District,
Cuddalore.

2. The Assistant Divisional Engineer,
(Highways Projects),
East Coast Rad Scheme,
Cuddalore, Cuddalore Taluk,
Cuddalore District.

3. The Commissioner,
Cuddalore City Municipal Corporation,
Bharathi Road, Cuddalore – 607 001

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the Respondents from putting up any construction on the road or road margin affecting ingress and egress to the petitioner's house in T.S.No.1857/1 1456 Sq.Ft in



W.P.No.8270 of 2024

Alpettai, Manjakuppam, Cuddalore-607 001, Cuddalore Taluk,
Cuddalore District, Cuddalore Municipal limits and pass orders.

For Petitioner : Mr. D. Baskar

For Respondents 1 and 2 : Mr.A. M. Ayyadurai
Government Advocate

For Respondent 3 : Mr.P. Ganesan,
Additional Government Pleader

ORDER

The petitioner has filed this writ petition forbearing the Respondents from putting up any construction on the road or road margin affecting ingress and egress to the petitioner's house in T.S.No.1857/1 1456 Sq.Ft in Alpettai, Manjakuppam, Cuddalore – 607 001, Cuddalore Taluk, Cuddalore District, Cuddalore Municipal limits

2. The case of the petitioner is that the subject property belongs to the mother of the petitioner and they are in peaceful possession and enjoyment of the same. While so, the first and second respondents to give effect to the East Coast Road scheme attempted to put an obstruction and cause egress and ingress to the subject property. Subsequently a suit was filed in O.S.No.734 of 1994 in the Court of the District Munsif,



W.P.No.8270 of 2024

Cuddalore and the same was decreed and the right to access to the road was upheld and the first and second respondents are restrained by a decree of permanent injunction in interfering in the property. When this being the case, on 15.03.2024 the official of the respondents earmarked the subject area and stated that they they are going to put up a bus stop in that area. Hence this petition.

3. The learned counsel for the petitioner submitted that subject property belongs to the petitioner and to establish the same, he has documents such as settlement deed, patta etc., Hence, prays to allow this petition.

4. The learned Government Advocate appearing for the respondents submitted that they have received a letter dated 03.04.2024 in Na.Ka.No.2444/2024/AP1 from the Commissioner, Cuddalore City Municipal Corporation, wherein it has been stated that there is no proposal to put a bus stop in the subject area.

5. On a perusal of the letter sent by the Commissioner, Cuddalore City Municipal Corporation, it is made clear that the respondent



W.P.No.8270 of 2024

themselves has admitted that there is no proposal to put a bus stop in the subject area. Therefore, it is made clear there is no hindrance for the petitioner in enjoying her property.

6. In view of the above, this Writ Petition is allowed. No costs.

05.04.2024

Index:Yes/No

Speaking order/Non-speaking order

smn

To

1. The Collector of Cuddalore District,
Cuddalore.

2. The Assistant Divisional Engineer,
(Highways Projects),
East Coast Rad Scheme,
Cuddalore, Cuddalore Taluk,
Cuddalore District.

3. The Commissioner,
Cuddalore City Municipal Corporation,
Bharathi Road, Cuddalore – 607 001



WEB COPY



W.P.No.8270 of 2024

V.BHAVANI SUBBAROYAN,J.

smn

W.P.No.8270 of 2024

05.04.2024