



W.P.No.33627 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

W.P.No.33627 of 2024

M/s.Hotel ARAP Private Limited
Rep.by its Managing Director
Mr.A.Prabhakaran
37-39 (17-18) Gandhi Irvin Road,
Egmore, Chennai 600 008.

... Petitioner

Vs

1. The Secretary to Government
Public Works Department Secretariat,
Fort St.George,
Chennai 600 009.
2. The Superintending Engineer,
State Highways C & M, Chennai Circle
No.299, Anna Salai,
Ellaianman Colony,
Teynampet,
Chennai 600 006.
3. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,



W.P.No.33627 of 2024

Chennai 600 003.

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Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing 3rd respondent to consider the petitioner's representation dated 20.08.2024 and thereby to direct the 3rd respondent to shift the erected bus stop shelter to some other place on the said Gandhi Irvin Road, Egmore, Chennai.

For Petitioner : Mr.A.J.Mohamed Kassim

For Respondents : Mr.S.J.Mohamed Sathik
Govt. Advocate for R1 & R2
Mr.D.B.R.Prabhu
Standing Counsel for R3

ORDER

This writ petition has been filed for issuance of a writ of Mandamus directing 3rd respondent to consider the petitioner's representation dated 20.08.2024 and thereby direct the 3rd respondent to shift the erected bus stop shelter to some other place in Gandhi Irvin Road, Egmore, Chennai.

2. In the affidavit filed in support of the writ petition, it had been stated that on 16.08.2024 a post was put up in front of the petitioner hotel



W.P.No.33627 of 2024

stating that the respondents were planning to install a CCTV camera.

Thereafter, on 17.08.2024 in the middle of the night, the employees of the third respondent had put up a bus stop shelter in front of the petitioner hotel.

3. It is contended that the petitioner had been put to much hardship owing to erection of the bus stop. A representation had been given by the petitioner seeking shifting of the bus stop to any other place. It is also contended on behalf of the petitioner that they had also obtained planning permission for putting up further construction and that this bus stop is obstructing the ingress and egress and would also prevent the petitioner from putting into effect the planning permission granted to the petitioner herein.

4. However, it is contended on behalf of the third respondent that the bus stop had been put up with the knowledge of the petitioner and that the work had commenced and that the work had been completed and that there is no difficulty for the petitioner.



W.P.No.33627 of 2024

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5. However, let the representation given by the petitioner be examined. The petitioner may also appear before the third respondent and express before the third respondent the difficulties to which the petitioner is put to and explore the possibility of shifting the bus stop to enable the petitioner to do their business without any obstruction. The third respondent may issue notice to the petitioner and grant personal hearing. The exercise of disposing of the representation dated 20.08.2024 shall be completed within a period of three weeks from the date of receipt of a copy of this order.

6. Independently a counter affidavit had been filed on behalf of the 2nd respondent that the road where the bus stop had been put up belongs to the third respondent and that therefore the second respondent is not a necessary party. At any rate a mandamus is issued directing to examine the representation of the petitioner within a period of three weeks from the date of receipt of a copy of this order.



W.P.No.33627 of 2024

7. With the above direction, the writ petition is disposed of. No

costs.

13.12.2024

dpq

Index: Yes/No

Speaking order / Non speaking order

To

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W.P.No.33627 of 2024

C.V.KARTHIKEYAN, J.

dpq

W.P.No.33627 of 2024



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W.P.No.33627 of 2024

13.12.2024