



W.P(MD)No.18020 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.18020 of 2023
and W.M.P(MD)Nos.15039 & 19156 of 2023

Kuthbudeen Ibaq

... Petitioner

Vs

1.The Block Development Officer,
(Village Panchayats),
Ramanathapuram.

2.The President,
Puthendal Panchayat,
Ramanathapuram District.

3.T.Gobinath

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from putting up any bus stop shelter on the eastern side of Kalari Village road abutting and obstructing the ingress and egress to the subject property in Survey No.245/4C measuring 38 cents in Puthendal Village, Kooriyur Group, Ramanathapuram Taluk, Ramanathapuram District.

For Petitioner : Mr.J.Barathan

For R – 1 : Mr.M.Senthil Ayyanar
Government Advocate

For R – 2 : Mr.R.Senthil Kumar

For R – 3 : No appearance



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ORDER

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This Writ Petition has been filed for a direction, forbearing the respondents from putting up any bus stop shelter on the eastern side of Kalari Village road abutting and obstructing the ingress and egress of the petitioner's property comprised in Survey No.245/4C admeasuring 38 cents situated in Puthendal Village, Kooriyur Group, Ramanathapuram Taluk, Ramanathapuram District.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner had purchased the property comprised in Survey No.245/4C admeasuring 38 cents situated at Puthendal Village, Kooriyur Group, Ramanathapuram Taluk, Ramanathapuram District by the registered sale deed dated 06.07.2001 vide Document No.1744 of 2001. The cart track is situated on the northern side of the subject property. The Kalari Village road runs from north to south. On the northern side, Kalari Village road joins Madurai to Rameswaram National Highways Road. On the southern side, Kalari Village road runs through several Villages. While being



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so, on the eastern side of the said road, the third respondent, who is the President of Puthendal Panchayat, identified the place to construct a bus stop shelter which affects the ingress and egress of the petitioner's property due to the previous enmity. The petitioner also produced photographs to show that in front of the gate, the second respondent intended to construct a bus stop shelter.

4.The third respondent filed a counter-affidavit and on the submissions made by Mr.R.Senthil Kumar, learned counsel appearing for the second respondent would reveal that in front of the petitioner's property, there is already existing bus stop shelter and it is in a dilapidated condition. Therefore, it was demolished and decided to construct a bus stop shelter. It has no way affected the ingress and egress of the petitioner's property. He also produced the photographs to show that 10 feet away from the gate of the petitioner, the proposed bus stop shelter is under construction. That apart, admittedly, in front of the petitioner's property, there is a cart track situated on the northern side. The petitioner's property is located in the corner and as such, on both sides, namely the northern side as well as the eastern side, the petitioner has ingress and egress to the property. In view of the above, the prayer sought



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for in this Writ Petition cannot be granted. Therefore, the Writ Petition itself is devoid of merits and the same is liable to be dismissed.

5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

13.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

- 1.The Block Development Officer,
(Village Panchayats),
Ramanathapuram.
- 2.The President,
Puthendal Panchayat,
Ramanathapuram District.



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G.K.ILANTHIRAIYAN, J.

ps

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13.11.2024