



W.P (MD).No.29813 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.29813 of 2024

and

W.M.P(MD)No.25128 of 2024

A.Muthulakshmi

...Petitioner

Vs.

- 1.The Government of Tamilnadu,
Rep. by its Principal Secretary,
Highways Department,
Fort St. George,
Chennai.
- 2.The Government of Tamilnadu,
Rep. by its Secretary to Government,
Public Works Department,
Fort St. George,
Chennai.
- 3.The District Collector,
Kanyakumari District,
Nagercoil.
- 4.The Superintending Engineer (H),
Highways, Tirunelveli Circle,
Tirunelveli-2.
- 5.The Divisional Engineer,
Highways Department,
Nagercoil.



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6.The Executive Engineer,
Kodayar Basin Division,
Water Resource Organization,
Public Works Department,
Nagercoil.

7.The Assistant Engineer,
Boothapandi Irrigation Section,
Water Resource organization,
Public Works Department,
Boothapandi & Post,
Kanyakumari District.

8.The Executive Officer,
Azhagiyapandiapuram panchayath,
Azhagiyapandiapuram,
Kanniyakumari District.

9.The Assistant Director of Panchayat,
Office of the District Collector,
Nagercoil,
Kanyakumari District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 3,8 & 9 from relocating the existing Azhagiyapandiyapuram bus stop to the west side of the petitioner's property in S.No.699/1A, Azhagiyapandiapuram Village, Thovalai Taluk, Kanniyakumari District and installing the bus-shelter thereon.

For Petitioner	: Mr.N.Pragalathan
For R1 to R7	: Mr.D.Gandhi Raj Special Government Pleader
For R8	: Mr.D.Sasikumar Additional Government Pleader



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ORDER

This writ petition has been filed for a mandamus forbearing the respondents 3,8 & 9 from relocating the existing Azhagiyapandiyapuram bus stop to the west side of the petitioner's property in S.No.699/1A, Azhagiyapandiyapuram Village, Thovalai Taluk, Kanniyakumari District.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

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

4. The petitioner owned an agricultural land comprised in S.No. 699/1, to an extent of 52 1/2 cents situated at Azhagiyapandiyapuram Village, Thovalai Taluk, Kanniyakumari District. The width of the western side land is 23 feet only. On the western side of the subject property, a channel is available, which is under the control of the respondents 6 & 7. The water from the Azhagiyapandiyapuram Big Tank flows through this channel enabling agriculture in approximately 1000 acres of land in Azhagiyapandiyapuram and



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its surrounding areas. Last year, the respondents 6 & 7 constructed a concrete structure covering the said channel and now the water is flowing under the concrete structure, through the said bridge the petitioner reached the road from her land. While being so, on the western side, the respondents 3, 8 & 9 intended to relocate the bus-shelter of Azhagiyapandiyapuram. If it is installed, it is very difficult to reach her land and it is hindrance to her pathway.

5. The learned Additional Government Pleader appearing for the eighth respondent, on instructions, would submit that the eighth respondent sought permission to erect the bus-shelter in the place belongs to the Highways Department under the நமக்கு நாமே திட்டம் and the same was accorded by the communication, dated 05.08.2023 by the Divisional Engineer, Highways Department, Nagercoil. Accordingly, now the work is under progress. Admittedly, no bus-shelter has been erected in the petitioner's land. Only after getting due permission from the Highways Department, the bus-shelter has to be erected for the general public. It will not be any hindrance to the petitioner to reach the petitioner's land.

6. In view of the above, direction sought for by the petitioner cannot be granted and hence, the writ petition is devoid of merits and it is liable to be



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dismissed. Accordingly, the writ petition is dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
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