



WEB COPY

WP No. 11581 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 11581 of 2025

AND

WMP NO. 13085 OF 2025, WMP NO. 13083 OF 2025

1. S.Sivanandam

S/o.Shanmugasundaram, No.71, S.K.S.

Kamatchi Nagar Extn,

Arisiperiyankuppam, Cuddalore-607

401.

Petitioner(s)

Vs

1. The District Collector

Cuddalore District, Cuddalore-1.

2.Additional Collector / Project

Director

District Rural Department, Cuddalore.

3.The Block Development Officer,

Cuddalore Panchayat Union,

Cuddalore-1.

4.Regional Development Officer

Cuddalore Panchayat Union,

Cuddalore.

Respondent(s)



PRAYER

Writ petition filed under Article 226 of the Constitution of India praaying for issuance of a writ of ceriorarified mandamus, calling for the records of 3rd respondent viz., impugned letter dated 14.03.2025 vide Na.Ka. No.A6/ 918/ 2025 and quash the same as illegal and invalid and direct the respondents to remove the construction put up for bus shed in front of the petitioners house plot No.4 bearing survey number 140/ 7A1A at Cuddalore-Thirukkivilur-Anaikattu Road, (Balur-Cuddalore main Road) (Mile Stone 7/2) Dr.A.P.J. Abdul Kalam Nagar, Billali Village, Nellikuppam Taluk Cuddalore District which is obstructing the ingress and egress to the petitioners property

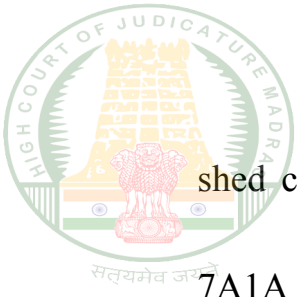
For Petitioner(s): T.S.Baskaran

For Respondent(s): Mrs.CMeera Arumugam, AGP
For RR1 And 2
Mr.M.Suresh Kumar, AAG
assisted by
M/s.A.Bakkiyalakshmi, GA for
RR 3 and 4

ORDER

(1)With the consent of the learned counsels on either side, the main writ petition is taken up for final disposal.

(2)The writ petition is filed challenging the impugned letter dated 14.03.2025, to quash the same and to further direct the respondents to remove the bus



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shed constructed in front of the petitioner's house plot No.4, in S.No.140/

7A1A at Cuddalore-Thirukkivilur-Anaikattu Road, Dr.A.P.J. Abdul Kalam

Nagar, Cuddalore District.

(3)The petitioner purchased the subject plot measuring 1653 sq.ft., under the registered Sale Deed dated 23.03.2022. The petitioner further states that the Assistant Director of Town and Country Planning, Cuddalore, in his proceedings dated 28.06.2019, on payment of necessary charges, approved the layout regularisation for the petitioner's plot along with plot Nos.1 to 3 and 6 to 8 in the said Dr.A.P.J.Abdul Kalam Nagar. The petitioner decided to construct a house in his aforesaid vacant plot by availing loan. However, when the petitioner visited his plot on 04.03.2025, he was shocked to notice that the respondents were constructing the new bus shelter in front of his plot, blocking the ingress and egress to his plot from the Highway. The petitioner, therefore submitted a representation to the respondents 3 and 4 and to the 1st respondent on 08.03.2025 and 10.03.2025 respectively. In the said representations, the petitioner requested the respondents to forthwith stop the construction of the bus shelter in front of his plot. The 3rd respondent



however, on 14.03.2025, by the impugned letter, rejected the petitioner's representations. Aggrieved by the impugned letter, the petitioner has filed the

above writ petition for the aforesaid relief.

(4)The 2nd respondent filed a detailed counter affidavit on behalf of all the respondents in support of the impugned letter. The crux of the 2nd respondent's counter is that the petitioner was very much aware that there existed a bus shelter in front of his plot. The respondents further stated that the new bus shelter under construction was made in the very same place where the old bus shelter existed. The respondents stated that a pathway of 6 feet was left in front of the petitioner's plot to enable the petitioner to access his land from the State Highway. The respondents further submitted that as the existing bus shelter at Thiruvanthipuram – Palur Highway Road, Otteri Village, was in dilapidated condition, in the interest of the public, the same was demolished after getting administrative sanction on 27.12.2024, from the District Collector, for construction of the new bus shelter at the cost of Rs.9 lakhs. The respondents further submitted that there were no merits in the writ petition and the same deserved to be dismissed.



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(5) Learned counsel for the petitioner submitted that an illusory extent of only 6 feet for ingress and egress to the petitioner's plot. Learned counsel further contended that the petitioner, with a mere 6 feet frontage to his plot, is effectively precluded from constructing a dwelling house, as no sanctioning authority would grant approval for such a plan. The learned counsel therefore submitted that as the construction of the bus shelter interfered with the petitioner's right to enjoyment of his property, the writ petition should be allowed and the bus shelter should be removed.

(6) The learned Additional Advocate General appearing for the respondents submitted that the bus shelter was constructed in the interest of the general public and that, when public interest is pitted against vested interest, public interest should prevail. Learned Additional Advocate General further submitted that the bus shelter was in close proximity to residential areas and various schools and colleges, and that more than 100 students and the general public commuting to Cuddalore, used the bus shelter. The learned Additional Advocate General submitted that as the existing bus shelter was dilapidated and needed immediate demolition, the sanction of the Collector



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for construction of a new bus shelter at an estimated cost of Rs.9 lakhs was

obtained on 27.12.2024. The learned Additional Advocate General submitted

that if the project is derailed, then large number of public, would be affected

and therefore, prayed that the writ petition may be dismissed as meritless.

(7) Heard both sides and perused the materials available on record.

(8) The facts of the case are undisputed and to avoid prolixity, the facts are not

traversed. The issue is whether the construction of the bus shelter in front of

the petitioner's property affects his right of enjoyment of the property. The

records reveal that the petitioner's land is abutting the Highway and the

original frontage on the Highways side, was 29.75 feet. After the

construction of the bus shelter, the frontage of the petitioner's land was

drastically reduced to six feet. As rightly contended by the learned counsel

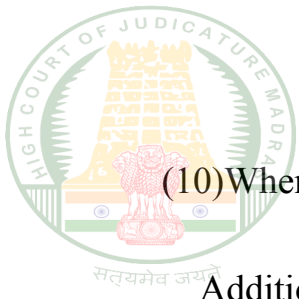
for the petitioner, the six feet passage left for ingress and egress to the

petitioner's property is illusory and even the authorities may not approve the

construction in the said plot.

(9) The Court, after hearing the parties at length, passed orders on 12.08.2025

and thereafter, posted the matter for clarification on 22.08.2025.



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(10) When the matter was taken up for clarification on 22.08.2025, the learned

Additional Advocate General for the respondents submitted that he would

advise the respondents to increase the frontage to the petitioner's property by removing a section of the bus shelter.

(11) The learned counsel for the petitioner submitted that if one section of 9 feet

was removed on the side of the existing frontage of six feet, the petitioner

would have 15 feet frontage and that he would in turn, convince his client to accept the proposal.

(12) The matter was therefore, passed over for instructions and subsequently, the

learned Additional Advocate General, submitted that a portion of the bus

shelter measuring 9 feet on the side of the six feet frontage, would be

removed to enable the petitioner to have 15 feet frontage for ingress and egress to his property.

(13) The learned counsel for the petitioner submitted that his client agreed for

the proposal and that his client consented for 15 feet frontage.

(14) In view of the consensus arrived at between the parties, a direction is issued

to the respondents to remove one portion of the new bus shelter measuring 9



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feet on the side of the existing 6 feet frontage so as to enable the petitioner to

have a frontage of 15 feet for ingress and egress to his property. The

respondents are directed to remove the aforesaid portion of 9 feet of the bus

shelter near the existing six feet frontage, within a period of four weeks from

the date of receipt of a copy of this order.

(15)The writ petition **is disposed of accordingly.** No costs. Consequently,

connected miscellaneous petitions are closed.

22-08-2025

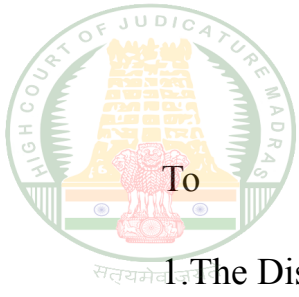
AP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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N.MALA J.

AP

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