



WEB COPY

WP.No.14844 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2025

CORAM

THE HONOURABLE MRS JUSTICE N.MALA

WP.No.14844 of 2025

R.Gnanavadivu,
D/o.R.Ramasamy Gounder,
Residing At Door No.10/301(A),
Kamarajar Street, Nayakkan Thottam,
Avinashi, Tiruppur District.

Petitioner(s)

Vs

1.The District Collector,
Tiruppur District, Collectorate Office, Palladam Road,
Tiruppur.

**2.The Executive Officer,
Avinashi Special Grade Town Panchayat,
Tiruppur District.**

****R-2 amended vide Court order dated 25.04.2025
in W.P.No.14844 of 2025**

3.The Executive Engineer,
Highways Department, Coimbatore.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a direction in the nature of Writ of Mandamus,



directing the 1st respondent to forthwith remove the obstruction caused by the public shelter erected in front of the petitioner's property at Survey No.505/1A, Avinashi Village, Tiruppur District, by removing the same so as to ensure visibility and access to the petitioner's shop and pass such further orders.

For Petitioner: Mr.N.Umapathi

For Respondents: Mr.M.Rajendran,
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to forthwith remove the obstruction caused by the public shelter erected in front of the petitioner's property at Survey No.505/1A, Avinashi Village, Tiruppur District by removing the same so as to ensure visibility and access to the petitioner's shop.

2. The petitioner is the owner of a commercial property located at Survey No. 505/1A in Palangari Village, Avinashi Town, Tiruppur District. The property includes shops let out for commercial purposes. The shops have direct access from the Erode-Coimbatore Highway (S.F. No. 526), which is essential for both customer access and goods delivery. Recently, the 2nd respondent constructed a bus shelter without notice or sanctioned approval directly in front



of the petitioner's shop, reducing visibility and obstructing access. The shelter spans about 60 feet in length and is only 3 feet away from the shop front.

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3. Learned counsel for the petitioner contends that the bus shelter has caused severe business disruption by blocking visibility and preventing entry for customers and delivery vehicles. It was constructed without prior notice, plan approval, or required consent from the highways department, violating provisions of the Tamil Nadu Highways Act, 2001 and the Tamil Nadu Panchayats Act, 1994. The petitioner asserts that this action infringes their fundamental right to carry on business under Article 19(1)(g) and their right to property under Article 300A of the Constitution. Citing precedents, the petitioner argues that owners have the right to access public roads from their property and seeks a Writ of Mandamus for removal of the shelter.

4. Learned Additional Government Pleader appearing for the respondents submits that the representation of the petitioner dated 18.03.2025 would be considered on merits, in accordance with law, within a time frame stipulated by this Court.



5. It is further submitted that the 2nd respondent's office address has been wrongly typed as Avinashi Municipality instead of “Avinashi Special Grade Town Panchayat”.

6. In view of the above, **this Court amended the second respondent's address to “The Executive Officer, Avinashi Special Grade Town Panchayat, Tiruppur District”.**

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

8. **Without going into the merits of the case, the first and second respondents are directed to consider the representation of the petitioner dated 18.03.2025 after conducting a detailed enquiry by giving due notice to the petitioner, affording an opportunity of personal hearing, taking into consideration all the relevant documents submitted by the petitioner in regard to the subject matter property and pass appropriate orders on merits, in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.**



In the result, the writ petition stands disposed of with the above observations and direction. No costs.

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cda/dsn

Index: Yes/No

Speaking/Non-speaking order

To

1.The District Collector,
Tiruppur District, Collectorate Office,
Palladam Road, Tiruppur.

2.The Executive Officer,
Avinashi Special Grade Town Panchayat,
Tiruppur District.

3.The Executive Engineer,
Highways Department, Coimbatore.



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N.MALA J.

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