

W.P(MD)No.29762 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.29762 of 2023

and

W.M.P(MD)Nos.25688 of 2023 & 26390 of 2024

1.M.Sivaraman
2.G.Jose Ferdinand
3.Razeena Beevi

... Petitioners

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus forbearing the respondents from putting up a bus stop shelter and to remove the constructions/installations made in front of the shop building bearing Door Nos.2-L, 2-K and 2-I in Madurai Road, Tirunelveli Junction.

For Petitioners : Mr.V.Kannan

For R – 1 : Mr.S.Shanmugavel
Additional Government Pleader

For R - 2 : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

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This Writ Petition has been filed by the petitioners forbearing the respondents from putting up a bus stop shelter and to remove the construction which is already made in front of their shop building bearing Door Nos.2-L, 2-K and 2-I situated at Madurai Road, Tirunelveli Junction.

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

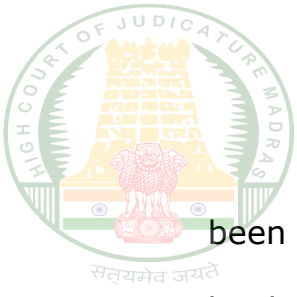
3.The first petitioner is running the business in the name and style of Foot Care and the petitioners 2 and 3 are doing business in the very premises in the name and style of St. Mary's Stores in the building bearing Door Nos.2-L, 2-K and 2-I situated at Madurai Road, Tirunelveli Junction for the past several years. It is situated just opposite to Tirunelveli old bus stand. In pursuant to the introduction of the smart city scheme, the old bus stand of Tirunelveli was demolished and a new bus stand was constructed and at that juncture, there was temporary bus shelters were installed in front of the petitioners' shops. Now, the respondents



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installed permanent bus stop shelter in the said place. It would affect the petitioners' business and as such, the petitioners submitted a representation not to install any permanent bus stop shelter in front of their shops.

4. On perusal of the counter-affidavit filed by the second respondent and also photographs produced by the second respondent would reveal that in between the bus stop shelter and the petitioners' shop, there is more than 20 feet of space and platform. In pursuance to the smart city scheme new bus stand has been constructed with modern facilities. During the construction of the new bus stand, the temporary bus shelter was installed on the western side of the junction bus stop. Now the second respondent proposed to construct a passenger bus shelter in the western side of the old bus stand at an estimated cost of Rs.12.25 lakhs. Accordingly, a tender was floated and work order was issued in favour of one contractor. Thereafter, the construction work was started for installation of permanent bus shelter. The proposed bus shelter is no way going to be a hindrance for the petitioners' business. As stated supra, there is a 2 feet space between the bus shelter and the petitioners' shop. That apart, the bus shelter has



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been installed only for the general public purpose and it is no way hindrance to the petitioners' business. In view of the above, the prayer sought for in this Writ Petition cannot be considered and 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.

28.01.2025

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



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To

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Tirunelveli District,
Tirunelveli.
- 2.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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