



WEB COPY

WP No. 49613 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-01-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 49613 of 2025

Selvam

..Petitioner(s)

Vs

1. The District Collector, District Collectorate,
Kallakurichi Taluk And District.
2. The Division Engineer,
State Highways Department,
Office Of Divisional Engineer,
Kaspa Kallakurichi,
Kallakurichi Taluk And District.
3. The Tahsildar Taluk Office,
Vanapuram Taluk, Kallakurichi.
4. The Block Development Officer
Block Development Office,
Sankarapuram Town And Taluk,
Kallakurichi District.
5. The Assistant Divisional Engineer
State Highways Department,
Office Of Assistant Divisional Engineer
Sankarapuram,
Kallakurichi Taluk And District.
6. The Assistant Engineer, State Highways
Department, Office Of Assistant Engineer
Sankarapuram Taluk , Kallakurichi District.
7. The President Pudhupattu Village, Vanapuram
Taluk, Kallakurichi District.

..Respondent(s)



Prayer: This petition has been filed under Article 226 of the Constitution of India, forbearing the respondents herein from constructing the Passenger Shelter (Payaniyar Nizharkudai) in Road Poramboke land which was allotted to the State Highways Department for the extension of main road of Vellimalai-Moolakkadu-Pudhur Road comprised in Survey No.75/8B which obstructs the access of free ingress and egress to the petitioners land comprised in Survey No.75/8A9 situated in Pudhupattu Village and Post, Vanapuram Taluk, Kallakurichi District.

For Petitioner(s): M/s.U. Ramya

For Respondent(s): Ms.C.Meera Arumugam, AGP(RR1, to 3, 5 & 6)
Mr.M.Muthusamy, GA, R4 & R7

ORDER

The petitioner has come forward with this writ petition in order to prevent the construction of a passenger shelter /bus shelter on the Vellimalai-Moolakkadu-Pudhur Road, as the ingress and egress of the petitioner is affected by such construction.

2.The writ petitioner is the owner of the property situated at 75/8A9 of Puthupattu Village and Post, Vanapuram Taluk, Kallakurichi District. The access to his property is from a State highway. Next to the petitioner's property is a Government Hospital. The respondents, acting on a request from the public, had decided to construct a bus shelter to enable the members of the general public visiting the Government Hospital and the students of the nearby school, to wait in the bus shelter, so as to avoid the vagaries of nature.



3. Taking into consideration the difficulties faced by the public, the Puthupattu Village Panchayat passed a resolution on 25.08.2025 for construction of a bus shelter. As the land is abutting a highway, the local body had approached the Division Engineer, Highways, and sought his permission to construct a bus shelter with a plinth area of 5 meters by 16 meters. The Divisional Engineer had granted the necessary permission on 03.11.2025. After the construction has commenced, the petitioner has come before this Court seeking the aforesaid relief.

4. Taking into consideration the plea of the petitioner that his entire access would be obstructed, this writ petition was entertained.

5. Ms. Meera Arugmugam was directed to take notice for Respondents 1 to 3, 5 and 6, and Mr. Muthusamy was called upon to take notice for Respondents 4 and 7.

6. When the matter was taken up on 20.01.2026, both the counsel appearing for the respondents pleaded that the bus shelter extends only for 16 meters on the Highway, while the petitioner has a frontage of 220 meters. It was also stated that between the proposed bus shelter and the petitioner's property, an access area of 1 meter had been set apart and therefore, there is no blockage of the entire ingress and egress to his property.



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7.I posted the matter today to enable the respondents to file a counter.

8.A perusal of the counter shows that the owner of the property, viz., the State Highways, has granted permission to put a bus shelter. It is not in dispute that the Government Hospital is abutting the petitioner's property. The resolution passed by the panchayat is also not in question.

9.The petitioner states that the bus shelter is being constructed on account of the fact that he opposed the President of the Panchayat. The petitioner states that he also filed a public interest litigation to remove the encroachment in Road Poramboke Land and as a counter-blast, the proposed bus shelter is coming up.

10.I should point out that though allegations of malafide have been made against the present incumbent 7th respondent, he has not been impleaded in his personal capacity. Furthermore, the petitioner, who claims to work towards public interest, should feel happy that the Panchayat is acting in public interest and providing a shelter to patients who are visiting the general hospital.

11. The plea that the entire access to the petitioner's property is being blocked seems to be a made up story, as the plan has been approved by the Union Overseer, Panchayat Union, Sankarapuram, the Assistant Engineer,

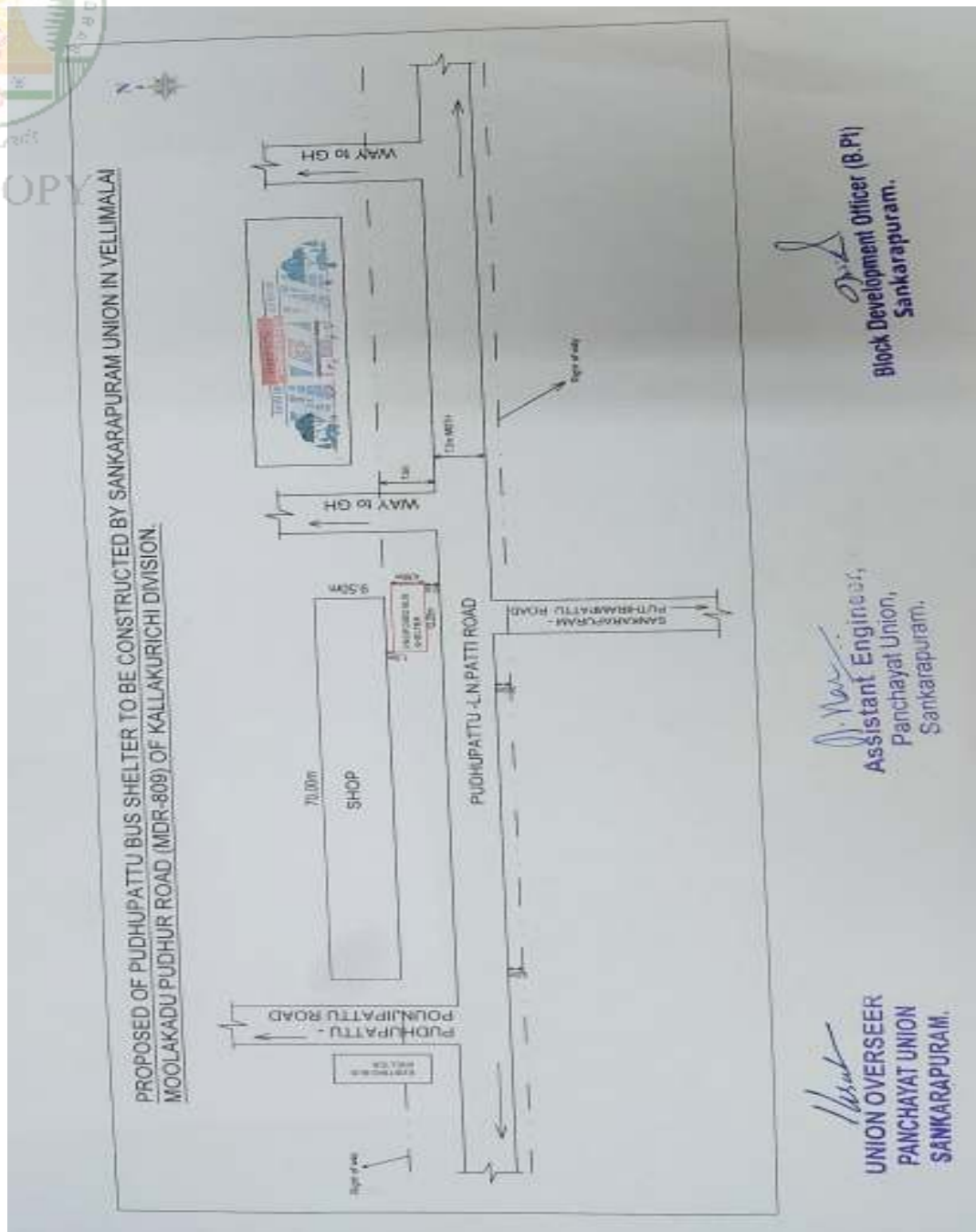


Panchayat Union Sankarapuram, and the Block Development Officer, Sankarapuram. The approved plan indicates that the extent of the building abutting the highways is 70 meters and the proposed bus shelter is 12.25 meters by 4.5 meters. In addition, the approved sketch also shows that a distance of 1 meter has been set apart for those visiting the shops to have access. The sketch, which has been approved by the aforesaid three officers shall be strictly adhered to, and the proposed bus shelter shall be constructed as approved in the dimension of 12.25 meters in length and 4.5 meters in breadth. The approved plan is scanned and extracted hereunder:



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Since the Highways has granted permission to put up the same, I do not find any merits in the writ petition.

12. With the above observation, this writ petition is dismissed. No costs.

22-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Maya

To

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V.LAKSHMINARAYANAN, J.

Maya

5. The Assistant Divisional Engineer
State Highways Department,
Office Of Assistant Divisional Engineer Sankarapuram,
Kallakurichi Taluk And District.
6. The Assistant Engineer,
State Highways Department,
Office Of Assistant Engineer
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