



WP(MD). No.7827 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.06.2026

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THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

**W.P. (MD). No.7827 of 2026
and
W.M.P.(MD)No.6401 of 2026**

S.Dhanushkodi Durai

... Petitioner

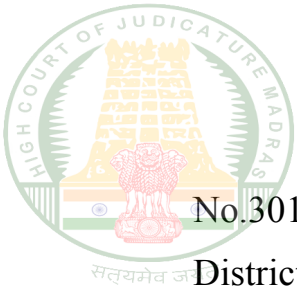
Vs.

- 1.The Assistant Engineer,
(Construction and Maintenance),
Highways Department, Vallioor,
Tirunelveli District.
- 2.The Assistant Divisional Engineer,
(Construction and Maintenance),
Public Works Department, Nanguneri,
Tirunelveli District.
- 3.The Executive Officer,
Vallioor Town Panchayat, Vallioor,
Tirunelveli District.

... Respondents

PRAYER :-

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, to forbearing the second respondent from putting up any construction in the nature of bus shelter in front of the property belongs to the petitioner's family situated at survey



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No.301/1C in Vadakku Vallioor part-I, Radhapuram Taluk, Tirunelveli District, without getting proper no objection certificate from the first respondent as per his letter dated 23.02.2026 in Ka.No.28/2026/U.Po and to pass such further or other orders.

For Petitioner : Mr.K.Sudalaiyandi,

For Respondents : Mr.R.Parthiban
Government Standing Counsel for R1 & R2

Mr.H.Arumugam
Standing Counsel for R3

ORDER

The writ petition is filed for a Mandamus forbearing the second respondent from putting up any construction in the nature of bus shelter in front of the property belonging to the petitioner's family situated in Survey No.301/1C in Vadakku Vallioor Part-I, Radhapuram Taluk, Tirunelveli District, without getting no objection certificate from the first respondent.

2. The grievance of the petitioner is that he is the owner of the property in S.No.301/1C, Vadakku Vallioor Part-I, Radhapuram Taluk, which abuts the main road. While so, the respondents 2 and 3 suddenly located a bus shelter in front of the petitioner's property and commenced



construction. The bus shelter was originally proposed to be located elsewhere. The place in which it is now being constructed affects the petitioner and is not suitable for a bus shelter. In any event, even if the bus shelter is located on highway land, a no objection certificate from the first respondent is essential before putting up the construction. The respondents have not followed the said procedure.

3. The learned counsel, taking this Court through the pictures and the map, would also submit that the respondents are also erasing the drainage channel and the bus shelter is being put up right on top of the drainage channel.

4. Per contra, the learned Government Standing Counsel appearing on behalf of the respondents 1 and 2 would submit that the place where the bus shelter is being located was identified considering public convenience. The permission of the first respondent has been obtained. It is stated that originally, by a communication dated 18.08.2025, no objection certificate was obtained from the first respondent with reference to five items. Item No.3 pertains to the present bus shelter. No objection and permission were



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granted to locate the bus shelter at drainage Km.197/670. However, thereafter, when the exact measurements were taken on the ground, it was found that there were two electric poles at the said place of drainage, one situated at a distance of 6.9 meters from the road margin and another at a distance of 4.5 meters from the road margin. Consequently, it became impossible to locate the bus shelter at the originally proposed site. Therefore, it was decided to locate the bus shelter in the present place, which is about 20 meters away from the original place. Accordingly, a fresh no-objection certificate was sought for and, by a letter dated 17.04.2026, a fresh no-objection certificate was also granted, based on which the construction is being carried out. As far as the drainage is concerned, the learned Government Standing Counsel would submit that the proper arrangements would be made to ensure the flow of drainage and that the same would not be interfered with.

5. I have considered the rival submissions made on either side and perused the material records of the case.



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6. In order to verify the contentions made by the respondents, this Court also directed the Assistant Engineer and the petitioner to join the Court virtually from the place in question. The Assistant Engineer concerned joined the Court through his mobile phone and the distances of the two electric poles located at the original drainage site from the road margin were measured. The measurements were found to be in accordance with what had been stated by the respondents in their application. Overall, the respondents also showed the location, and it cannot be said that they have located the bus shelter with any *malafide* intention. It is true that the concern expressed by the petitioner is genuine because of the lapse on the part of the respondents in not thoroughly inspecting the site before obtaining the no objection certificate. In this case, the respondents obtained the no objection certificate first and only thereafter, visited the site and found the existence of the electric poles, necessitating a change in location. Such a kind of action would normally evoke suspicion that, under the influence of certain third parties, the bus shelter is being shifted and located in front of the petitioner's property. In any event, there is ample frontage available to the petitioner's property for ingress and egress, and the same is not totally blocked. Secondly, even behind the bus shelter, there is available space in the highway poramboke land to a width of 3.3 meters. Thirdly, the



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bus shelter is not located in such a manner as to cause grave prejudice to the petitioner, though a portion of the frontage is covered by the structure.

Since the same is located in the land belonging to the Highways Department, the petitioner cannot raise any valid objection on that score. As far as the procedural aspect is concerned, the respondents have complied with the necessary requirements. The undertaking given before this Court that the drainage line and the free flow of drainage would be maintained is also recorded.

7. For all the above, I am of the view that the prayer of the petitioner cannot be considered. I also find that the work in this regard has already been completed to the extent of about 70%. Therefore, the prayer of the petitioner cannot be countenanced. The Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed. It will be open for the respondents to complete the construction.

12.06.2026

sjj
NCC : Yes/No



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- To
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(Construction and Maintenance),
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 - 2.The Assistant Divisional Engineer,
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D.BHARATHA CHAKRAVARTHY, J.

sjj

**ORDER
IN
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