

**(2022) 01 KL CK 0205**  
**In the High Court Of Kerala**  
**Case No : Writ Petition (C) No. 6808 Of 2014**

Mohankumar

APPELLANT

Vs

V.V. .Vijayakumar

RESPONDENT

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**Date of Decision :** 27-01-2022

**Acts Referred:**

**Citation :** (2022) 01 KL CK 0205

**Hon'ble Judges :** Shaji P.Chaly, J

**Bench :** Single Bench

**Advocate :** Thirumala P.K.Mani, Riyal Devassy, C.R.Sanish, P.K.Manojkumar

**Final Decision :** Disposed Of

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## Judgement

Shaji P.Chaly, J

1. This writ petition is filed by the petitioners seeking the following reliefs:

1. to issue an appropriate writ of mandamus or order directing the respondents not to construct the waiting shed in the foot path lying in front of the petitioners'

property and the building bearing T.C. Nos. 1456/2 to 22 comprised in old Sy. No. 1456/5-1 Re. Sy. No. 91/6 at Pangode, Sasthamangalam Village,

Thiruvananthapuram.

2. To issue an appropriate writ or order directing the respondents to find out alternative place in the same locality of Pangode to construct the waiting shed instead of

constructing the waiting shed in the foot path lying in front of the petitioners' building and properties.

2. Going by the pleadings, what I could gather is that respondents 1 and 2 namely V. Vijayakumar, the Secretary of the Anaswara Arts and Sports

Club and Anaswara Arts and Sports Club, represented by its President,

Thiruvananthapuram, are proposing to construct a bus waiting shed in a foot path used by the public.

3. No detailed deliberation of the matter is required, since it is stated in the counter affidavit filed by the Chief Engineer, Public Works Department,

Thiruvananthapuram, 4th respondent, that even though respondents 1 and 2 had submitted a proposal to the 4th respondent for sponsoring construction

of a waiting shed on the northern side of the Edappazhinji-Pangode PWD road, sanction was not granted and consequently respondent Nos. 1 and 2

have withdrawn from their proposal. The 4th respondent has also made various submissions with respect to the property in question where the bus waiting shed was sought to be constructed.

4. However, in view of the circumstances mentioned above, I do not think that consideration of the contentions raised by the 4th respondent is required

at this stage of the proceedings, and I am also of the view that all factual and legal circumstances that are raised in the writ petition and the counter

affidavit filed by the 4th respondent can be left open.

5. In that view of the matter, after hearing the learned counsel on both sides, this writ petition is disposed of recording that the Chief Engineer, Public

Works Department, Thiruvananthapuram, 4th respondent has not granted sanction for the construction of the waiting shed in the property in question.

However, I make it clear that all the questions of law and facts raised by the rival parties are left open for adjudication in any appropriate and suitable

proceedings.