

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.28903 of 2013
and M.P.Nos.1 and 2 of 2013

Dr.R.Senthil

...Petitioner

-vs-

- 1.The Govt. of India,
Rep. By its Secretary,
National Highways and Road Dept.,
New Delhi.
- 2.The National Highways Authority of India,
Rep. By its Chairman, G 5 & 6, Sector-10,
Dwarka, New Delhi 110 075.
- 3.M/s.L & T Krishnagiri Thoppur Toll Road
Ltd., Rep. By its Proprietor / Managing
Director, Palayam Village, Thopur Post,
Dharmapuri 636 708, Dharmapuri Dist. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 and 2 to constitute an expert committee in road design and redesign and reconstruct the road in such a way to reduce accidents for saving the citizens of this country from the Road Traffic Accidents, to evolve the mechanism to take punitive action against the road contractor for Road Traffic Accidents and pay compensation to the victims of the said Road Traffic Accidents in National Highways-7, Thoppur gate, Bangalore-Kannyakumari Road.

For Petitioner : Mr.K.Balu

For Respondents : Mrs.G.Hema, CGSC, for R-1
: Mr.Richardson Wilson
for M/s.Wilson Associates for R-2
: M/s.Preeti Mohan for R-3

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The inability to negotiate a 's' bend road or a possible defect in design seems to have caused huge number of accidents at a particular point on the National Highway, Bangalore - Kannyakumari road between 161 to 161.4 km.

2.We have heard the learned counsel for parties and perused the records.

3.That the position is alarming is undisputed because of large number of accidents. However, the explanation given by the learned counsel for the respondents is that it is a difficult stretch further constrained by the fact that the area being adjacent to a reserved forest area, permission was not being granted to take the road through the reserved forest area. It has also been stated that the drivers are often not well versed with the technique to negotiate such roads.

4.As far as precautions are concerned, it is stated that safety boards, rumble strips, pamphlets distribution are the measures prior to the acute curve bend and these are part of an understanding which the NHAI / second respondent has with the Concessionaire / third respondent. A tow-away crane is also deployed round the clock in that area.

5.Learned counsel for the NHAI further submits that a long term solution is now being explored by creating a bye-pass and the proposal is at project consultation stage. We would expect the NHAI to develop the final proposal within six (6) months, whereafter we are informed it will have to go to the Central Government for approval.

6.We, thus, close the writ petition with the aforesaid direction and the direction to take all necessary precautions to prevent accidents at the relevant place, including ensuring that there are speed breakers / rumble strips and caution warnings. No costs. Consequently, M.P.Nos.1 and 2 of 2013 stand closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

sra

To

- 1.The Secretary to Govt. of India,
National Highways and Road Dept.,
New Delhi.
 - 2.The National Highways Authority of India,
Rep. By its Chairman, G 5 & 6, Sector-10,
Dwarka, New Delhi 110 075.
- + 1 CC to Mr.K.Balu, Advocate SR NO 37838
+ 1 CC to Mr.G.Hema, Advocate SR NO 37908
+ 1 cc to Mr.P.Wilson Associates, Advocate SR NO 37917
+ 1 CC to Ms.Preehi Mohan, Advocate SR NO 38068
+ 1 CC to Government Pleader SRNO 32977

W.P.No.28903 of 2013

NR[CO]
GP/25.7.

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