



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.10.2016**

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.[MD].No.6858 of 2015

A.Thirukumaran

.. Petitioner

Vs.

1.The project Director,
National Highway Authority of India,
87/1, SBI 1st Colony Extension,
Bye Pass Road, Madurai.

2.The Panchayat President,
Sinthalakarai Post,
Ettayapuram Taluk,
Tuticorin District.

.. Respondents

(R2 impleaded vide Court order dated 18.11.2015 in M.P.(MD).No.1 of 2015)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to erect Biomass Light in front of Vekkaliyamman Kovil and to inspect and open center median as per the measurement norms of National Highways in NH-45-B Madurai, Tuticorin National Highway at 213/2 NH Stone near Odaipalam where the service road and NH road are equally leveled on both sides situated near 2.7 km from Sinthalakarai Village, Ettayapuram Taluk, Tuticorin District, within a stipulated time.

For Petitioner : Mr.T.Lajapathi Roy

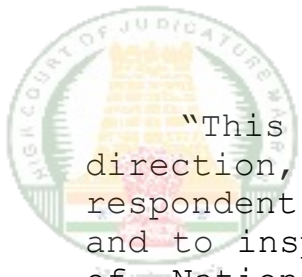
For 1st respondent : Mr.Arul Vadivel @ Sekar

For 2nd respondent : No appearance

O R D E R

[Order of the Court was made by S.NAGAMUTHU, J.]

<https://hcservices.courts.gov.in/hcservices/>
The petitioner has come up with this Public Interest Litigation for the following prayer;



"This Hon'ble Court may be pleased to issue a Writ, order or direction, in the nature of Writ of Mandamus, directing the respondent to erect Biomass Light in front of Vekkaliyamman Kovil and to inspect and open center median as per the measurement norms of National Highways in NH-45-B Madurai, Tuticorin National Highway at 213/2 NH Stone near Odaipalam where the service road and NH road are equally leveled on both sides situated near 2.7 km from Sinthalakarai Village, Ettayapuram Taluk, Tuticorin District, within a stipulated time.

2. According to the petitioner, because there is no median wall and because there is no light, the general public, more particularly, the students, who are studying in the educational institutions somewhere near, are suffering a lot to cross the road. But, in the counter affidavit filed by the first respondent *inter alia* in paragraph No.8, it is stated as follows;

"8. It is respectfully submitted that as per Detailed Project Report no median opening has been provided at Km 185.900 and 187.250 as alleged in para 10 of the affidavit and the above median opening caused by the local people were closed by providing Metal Beam Cross barrier to prevent the accidents. Further even after making awareness among the public about the importance of provision of median opening in the prescribed locations, the public are breaching/violating the norms and they have broken the median and made unauthorized openings. Hence, the petitioner cannot seek remedy by citing the illegal median opening and the averments stated in para 10 are not sustainable."

3. When this was pointed out, the learned counsel for the petitioner would submit that he may be given liberty to approach the first respondent and the first respondent may be directed to consider his request.

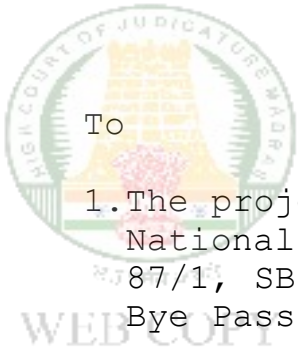
4. In view of the above, this Writ Petition is disposed of with liberty to the petitioner to make a representation to the first respondent seeking the above relief and if any such representation is made, the first respondent shall consider the same in accordance with the appropriate norms and also the convenience of the General Public. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar



To

1.The project Director,
National Highway Authority of India,
87/1, SBI 1st Colony Extension,
Bye Pass Road, Madurai.

2.The Panchayat President,
Sinthalakarai Post,
Ettayapuram Taluk,
Tuticorin District.

+1 cc to MR.T.LAJAPATHI ROY, Advocate SR.NO.61044

+1 CC TO MR.C.ARULVADIVEL @ SEKAR, Advocate Sr.No.61002

Order made in
W.P.[MD].No.6858 of 2015
17.10.2016

SMA/SKS-RR/21.10.2016:3P/5C