

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WRIT PETITION NO.32561 OF 2017 & WMP.NO.35887 OF 2017

R.Baskaran

...Petitioner

Vs

1. The Secretary to Government,
State Highways Department ,
Fort.St.George, Chennai-9.
2. The Chief Engineer, State Highways,
Chepauk, Chennai-5.
3. The District Collector, Salem
District, Salem.
4. The Divisional Engineer, State
Highways Department, Salem-1.
5. The Land Acquisition Officer/
District Revenue Officer,
Collectorate, Salem.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to construct the railway over bridge at Lee Bazaar -Sandaipettai Main Road, Sevvapet, Salem as per original plan with 12 1/2 meters breadth without any deviation by leaving 5 1/2 meters service road on both side of the bridge.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.T.N.Rajagopalan, GP

Order of the Court was made by T.S.SIVAGNANAM,J

Heard both the learned counsel on either side and
Ms.N.Kalavathi, Assistant Engineer, Highways Department -
Projects, Salem.

2. This writ petition has been filed as a public interest litigation to direct the respondents to construct the railway over bridge at Lee Bazzar - Sandaipettai Main Road, Sevvapet, Salem as per original plan with 12 1/2 meters breadth without any deviation by leaving 5 1/2 meters service road on both side of the bridge.

3. When this matter came up for hearing on 14.12.2017 ie. yesterday, the learned counsel for the petitioner produced certain photographs and stated that the width of the road is so narrow and it is not even wide enough for an auto rickshaw to pass through.

4. Therefore, this Court directed the learned Special Government Pleader to accept notice for the respondents and get instructions from the respondents. Accordingly, the fourth respondent filed a counter affidavit and Ms.N.Kalavathi, Assistant Engineer, Highways Department - Projects, Salem is also present in court. On a perusal of paragraph 2 of the counter, it is seen that there is no deviation in the original approved plan, that there is no reduction of breadth of the bridge and that the bridge will be constructed as per the original approved plan.

5. It is submitted by the learned Special Government Pleader that a building owner, whose building will be affected on account of the construction of the bridge, approached this Court by filing a writ petition in W.P.No.17571 of 2017, in which, an order of status quo was granted on 11.7.2017 and that the Government Pleader is taking steps to move that writ petition before the appropriate Bench for early disposal. Incidentally, the said writ petition has been filed by the very same counsel, who is appearing for the petitioner herein. Further, the photographs proceed to show the stage of construction.

6. Thus, the counter affidavit filed by the fourth respondent is taken on record and we are satisfied that the apprehension of the petitioner is not made out. However, we make an observation that the fourth respondent shall proceed with the construction of the over bridge as per the original approved plan maintaining the same breadth.

7. With the above observation, the writ petition is dismissed. No costs. Consequently, the connected WMP is also dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

RS

To

- 1.The Secretary to Government, State Highways Department,
Fort.St.George, Chennai-9.
 - 2.The Chief Engineer, State Highways, Chepauk, Chennai-5.
 - 3.The District Collector, Salem District, Salem.
 - 4.The Divisional Engineer, State Highways Department, Salem-1.
 - 5.The Land Acquisition Officer/District Revenue Officer,
Collectorate, Salem.
- +1cc to Mr.C.Prakasam, Advocate, S.R.No.90230
+1cc to the Government Pleader, S.R.No.89916

WP.No.32561 of 2017&
WMP.No.35887 of 2017

KAN(CO)
CS/05/01/18

सत्यमेव जयते

WEB COPY