

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

Review Application No.54 of 2017

M/s. Veeyel Enterprises,
Rep.by its Managing Partner,
Mr.S.P.Lakshmanan,
No.13/3, Trunk Road, Nazarethpet,
Poonamallee, Chennai - 600 0123.

... Petitioner

vs.

1. The State of Tamil Nadu
Rep.by its Secretary to Government,
Highways and Minor Ports (NHZ) Department,
Fort.St.George, Chennai - 600 009.
2. Tamil Nadu Road Development Company Ltd.,
Rep. by its Chief General Manager,
171, 2nd Floor, TNMB Building,
South Kesavaperumal Puram, Greenways Road,
Raja Annamalaipuram, Chennai - 600 028.
3. Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
Egmore, Chennai - 600 008.
4. Project Manager,
GMR Chennai Outer Ring Road Ltd.,
Phase 1, Thookkanpattu Village,
Poonamallee Taluk,
Thiruvallore District - 602 123.
5. The District Revenue Officer (Land Acquisition)
Outer Ring Road,

Chennai Metropolitan Development Authority,
Koyambedu, Chennai - 600 092.

... Respondents

Prayer: Review Petition filed under Order 47, Rule 1 read with section 114 of CPC, to review the order dated 16.03.2017 in W.M.P.No.37870 of 2016 in W.P.No.44070 of 2016 and the allow the writ petition.

For Petitioner	:	Mr.AR.L.Sundaresan, Senior Counsel for Ms.AL.Ganthimathi
For R-1	:	Mr.S.Diwakar, Special Government Pleader.
For R-2	:	Mr.M.Sivavardhanan
For R-4	:	Mr.Rahul Balaji
For R-3 & R-5	:	No appearance

ORDER

The learned senior counsel appearing for the review petitioner made only one submission. It is submitted that the access is being blocked by the proposed project. Though the said statement is disputed by the learned counsel for the respective respondents, this Court has directed the parties to make an inspection together and thereafter directed the second respondent to file a report. Accordingly, a report has been filed in the following manner:

“3. It is submitted that in a follow up to the Representation, site inspection was carried out by the officials of the Tamil Nadu Road Development Company Limited with the Petitioner and

along with the experts of the petitioner and the Representative of the 4th Respondent on 13.06.2017.

4. I state that during the inspection the suggestions made by the petitioner in regard to a small shift to have a better access has been examined. The petitioner has pegmarked their suggestions in the ground and the Respondent's proposal was also marked on the ground. It was found that both the proposals are ending up at NH point at the almost of the same location which is having a 35 metre frontage to the petitioner's property with the NH. Therefore, there is no access issue at this point.

5. I state that with the above clarifications, the suggestions by the Petitioner has been considered for review and concluded that the slight shift in locations as sought for by the petitioner is actually encroaching into the existing NH Road at end point. This is actually detrimental to the existing condition. Therefore, it was not considered and this fact was also informed to the Petitioner.

6. It is further submitted that the clarifications with respect to the location of land in one route where it is contended by the petitioner that "what is provided is not as per the IRC Specifications". In this regard, it was clarified to the petitioner that his property will have a minimum of 4.7 metre clearance under the Clover Leaf of the Interchange for the access from the Slip Road. It was also clarified that IRC specification stipulates any Major Highway will generally be provided with 5.5m clearance under the Bridges. As far as Vehicular under Passes, IRC specifies minimum of 4.00 m clearance is enough for

the traffic. Therefore, what is provided in this case is 4.7 which is more than the minimum standards.”

2. This court is satisfied with the report. Nothing more is required to be done as the access to the petitioner's property is assured. The learned senior counsel appearing for the petitioner would submit that something more is required to be done as suggested by its expert. This Court is afraid that such a roving enquiry in a review petition cannot be done. The interest of the petitioner is sufficiently safeguarded through the report which would be binding on all the respondents herein.

3. With the aforesaid observation, the review petition stands disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

27.06.2017

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Index:Yes/No

M.M.SUNDRESH, J.

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