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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **23.08.2017**

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.11149 of 2017

S.Subramanian

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Divisional Engineer (Highways Department),
Building and Maintenance,
Tirunelveli District,
Tirunelveli.

3.The Assistant Divisional Engineer,
Highways Department,
Building and Maintenance,
Radhapuram Taluk,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents not to lay any "S" type road as per the notification in daily news paper on 09.09.2013 in their proceedings form (A), Tamil Nadu National Highways Act, 2001, under Section 8(1) and consequently directing the respondents to implement the order dated 15.02.2017.

For petitioner

: Mr.J.David Ganesan

For respondents

: Mr.M.Govindan

Special Government Pleader

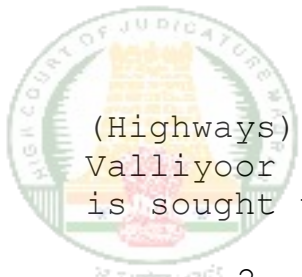
Advocate Commissioner

: Mr.A.Abdul Kabur

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The grievance of the writ petitioner is that in Radhapuram to Tirunelveli Highways there occurs a "S" type diversion in the road in Survey No.127. A notification, in this regard, was published as early as on 09.09.2013. Representations had been made in this regard. In fact, the Assistant Divisional Engineer



(Highways), Radhapuram, had informed the legal Services Committee, Valliyoor on 15.02.2017 that instead of "S" type, a straight road is sought to be laid.

2. This Court appointed an Advocate Commissioner, who, after inspection, submitted a report dated 20.07.2017 stating that when the road reaches Survey No. 127/10S, it took an unusual diversion to the distance of 10 meters approximately and again it comes to its normal size. Such unusual diversion to the distance of 10 metres caused the abnormal "S" type turn in the said road.

3. Today, when the matter was taken up for hearing, the learned Special Government Pleader informed this Court that the notice under Section 15(2) of the Tamil Nadu Highways Act had already been issued. He also referred to the communication dated 21.08.2017, received from the District Revenue Officer, Tirunelveli.

4. In these circumstances, we direct the District Revenue Officer, Tirunelveli, to take follow up action and to ensure that "S" type diversion is done away with and straight road is formed as sought for by the writ petitioner. Since land acquisition is involved, this Court consciously does not fix any outer time limit in this regard. However, the District Revenue Officer shall expedite the matter and ensure that the acquisition proceedings are concluded early and the straight road is laid in the place in question, instead of present "S" type diversion. If the road has not been laid so far, this Court direct that "S" type road shall not be laid hereafter. If the road had already been laid in the place in question, "S" type will be done away with and a direction to lay a straight road is hereby issued.

5. The writ petition is allowed as indicated above. No costs.

Sd/-

Assistant Registrar(CS-II)

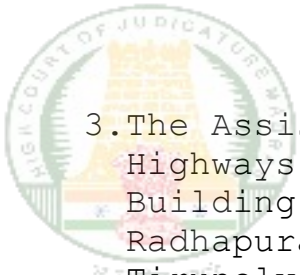
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Sub Assistant Registrar

To:

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Divisional Engineer (Highways Department),
Tirunelveli District, Tirunelveli.



3.The Assistant Divisional Engineer,
Highways Department,
Building and Maintenance,
Radhapuram Taluk,
Tirunelveli District.

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4.The District Revenue Officer,
Tirunelveli, Tirunelveli District.

+1cc to M/S.J.DAVID GANESAN, Advocate SR.No.74017

+1cc to Special Government Pleader, SR.No. 74510

km

MAS/MR-KKR/SAR3:18.09.2017:3P-7C

ORDER MADE IN
W.P. (MD) No.11149 of 2017
23.08.2017