



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
and

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

W.P(MD) No. 3106 of 2018

and

W.M.P (MD) No. 3261 of 2018

C. Periyasamy

.. Petitioner

Vs.

1. State of Tamil Nadu,
Rep by its Principal Secretary to Government (Additional)
Highways and Minor Ports Department,
Secretariat, Chennai-9.
2. The Chief Engineer,
Construction and Maintenance,
Highways Department,
Chepauk, Chennai-5.
3. The Divisional Engineer,
Construction and Maintenance,
Highways Department, Karur.
4. The Superintending Engineer,
Construction and Maintenance,
Highways Department, Thiruppur.
5. The District Collector,
Karur District, Karur.
6. The District Revenue Officer,
Karur District, Karur.
7. The Special Tahsildhar,
Land Acquisition,
Ring Road, Unit-I,
Karur.
8. The Special Tahsildar,
Land Acquisition,
Ring Road, Unit-II,
Karur.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the
Constitution of India praying for the issuance of a Writ of
Mandamus, directing the respondents to form the proposed ring road



for Karur from 224/2 of NH 67 Road (Thanneerpandal) and joining at km 203/530 of NH 67 road near Veerarakkiam as per G.O.Ms.No.164 dated 18.10.2013 passed by the first respondent as per original proposed route without any deviation or realignment.

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For Petitioner : Mr.V.Kathirvelu
Senior Counsel
for Mr.AN.Ramanathan

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

ORDER

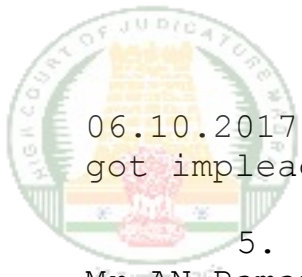
[Order of the Court was made by **M. SATHYANARAYANAN, J.**]

The writ petitioner in the form of the present Public Interest Litigation wants further compliance and implementation of G.O.Ms.No.164 of the Highways and Minor Ports (HP2) Department, Government of Tamilnadu and on an earlier occasion, this petitioner approached this Court by filing W.P.(MD)No.6490 of 2017 praying for issuance of Writ of Mandamus, directing the respondents to form the ring road at Karur by impleading the said Government Order within the time limit as stipulated by this Court, by considering his representation, dated 28.02.2017 and 04.04.2017.

2. This Court, vide order dated 07.07.2017 made in W.P.(MD) No.6490 of 2017, by taking into consideration the submissions made by the learned Special Government Pleader that the authorities had conducted survey in all the 14 villages for the purpose of constructing a ring road for Karur, held that no further order is necessary in this matter and however directed the respondents to expedite the process of constructing the ring road and accordingly, disposed of the writ petition.

3. Sri Pudhu Vangal Amman Seva Trust filed W.P.(MD)No.1231 of 2017 directing the respondents herein not to form the approach road on the western side of the Vangal Town, Karur District and instead form the alternate approach as suggested by them by considering their representation, dated 10.06.2017 and it has been entertained and the petitioner has also got impleaded as respondent and the petitioner has also filed in W.M.P.(MD)No.10815 of 2017 opposing the said prayer and the said miscellaneous petition is yet to be disposed.

4. One P.Elangovan, filed W.P.(MD)No.19419 of 2017 praying for issuance of writ of Mandamus, directing the respondents to form the ring road as per the above G.O.Ms.164, dated 18.10.2013 by realigning the plan, based on his representation dated



06.10.2017 and in the said writ petition, the petitioner has also got impleaded as party.

5. Mr.V.Karthirvelu, learned Senior Counsel assisted by Mr.AN.Ramanathan, would submit that due to the pendency of other writ petitions, attempts are being made to realign the road and therefore, the petitioner is constrained to approach this Court by filing this writ petition as Public Interest Litigation.

6. Per contra, Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the official respondents would submit that the alignment or re-alignment is highly technical in nature and this Court, under normal circumstances, may not interfere with the said technicalities and would further add that since the impleading application filed by the petitioner for opposing re-alignment of the ring road is pending in W.P.(MD) No.12301 of 2017 and he is also a party in W.P.(MD)No.19419 of 2017, the present writ petition is not maintainable.

7. This Court has considered the rival submissions and also perused the materials placed before this Court.

8. The petitioner wants implementation of G.O.Ms.No.164, Highways and Minor Ports (HP2) Department, dated 18.10.2013 in his present form and whereas the petitioners in W.P.(MD)No.12301 of 2017 and W.P.(MD)No.19419 of 2017 want re-alignment and it is opposed by the petitioner herein. Admittedly, the petitioner has filed an impleading petition in W.P.(MD)No.10815 of 2017 and also got impleaded in W.P.(MD)No.19419 of 2017, opposing the prayer made therein for re-alignment and in such view of the matter, this Court is of the view that the present writ petition is not maintainable. The petitioner is at liberty to work out his remedy in pending writ petitions in W.P.(MD)No.19419 of 2017 and W.P.(MD) No.12301 of 2017.

9. The Writ Petition is closed with the above observations. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

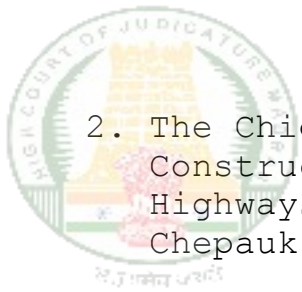
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary to Government (Additional)
Minor Ports Department,
Secretariat, Chennai-9.



2. The Chief Engineer,
Construction and Maintenance,
Highways Department,
Chepauk, Chennai-5.
3. The Divisional Engineer,
Construction and Maintenance,
Highways Department,
Karur.
4. The Superintending Engineer,
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7. The Special Tahsildhar,
Land Acquisition,
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8. The Special Tahsildar,
Land Acquisition,
Ring Road, Unit-II,
Karur.

Copy to

The Section Officer,
Writ Section,
Madurai Bench of Madras High court,
Madurai.

+1cc to Mr.AN.Ramanathan, Advocate Sr.No.48778
+1cc to the Spl. Government Pleader Sr.No.49645

RMI/SSL
VB/SKN/RSK/SAR2/28.02.2018/4P/12C

ORDER MADE IN
W.P (MD) No.3106 of 2018
and
W.M.P (MD) No.3261 of 2018