



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2018

CORAM:

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THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

W.P.[MD].No.19419 of 2017
and
W.M.P.(MD).15724 of 2017

P.Elangovan

: Petitioner

Vs.

1.The Principal Secretary to Government,
Highways and Minor Ports Department,
Fort St. George, Chennai 600 009.

2.The Chief Engineer,
(Construction and Maintenance),
Highways Department,
Integrated Chief Engineers' Office,
HRS Campus,
76, Sardar Patel Road,
Guindy, Chennai 600 025.

3.The District Collector,
Karur District, Collectorate,
Thanthondri Malai, Karur 639 005.

4.C.Periyasamy
[R4 is impleaded vide Order dated
09.02.2018 in W.M.P.(MD).No.939 of 2018]

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to form the ring road at Karur as per G.O.(Ms).No.164, Highways and Minor Ports (HP2) Department, dated 18.10.2013 of the 1st respondent by re-aligning the plan based on the petitioner's representation dated 06.10.2017 within a stipulated time to be fixed by this Court.

For petitioner : Mr.R.R.Kannan
for Mr.J.Senthil Kumaraiah

For RRI to 3 : Mr.K.Chellapandian
Additional Advocate General



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Assisted by Mr.M.Pandiarajan
Additional Government Pleader

For R4

:Mr.Issac Mohanlal
Senior Counsel
for Mr.A.N.Ramanathan

O R D E R

[Order of the Court was made by C.T.SELVAM, J.]

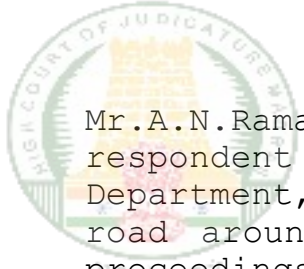
The petitioner has come up with this Writ Petition seeking a Writ of Mandamus, directing the respondents to form the ring road at Karur as per the Government Order in G.O.(Ms).No.164, Highways and Minor Ports (HP2) Department, dated 18.10.2013 issued by the the first respondent by re-aligning the plan, based on his representation dated 06.10.2017.

2. The petitioner, informing himself to be a politician and having been the President of Sanapiratti Panchayat and further that he is engaged in social service, espousing the cause of the general public and conducting business in Karur Town and contending that towards forming a ring road around Karur Town in keeping with the announcement of the Hon'ble Chief Minister at the Collector's Conference held between 17.12.2012 and 19.12.2012, the authorities had earlier arrived at a road alignment, which was beneficial, and thereafter, revised the alignment to the detriment of public interest and to the benefit of politically influential persons towards boosting the value of properties held by their kith and kin by running the ring road adjacent to the same, has made a representation to the respondents on 06.10.2017 and prays that based there upon, the respondents may be directed to form a ring road in keeping with the alignment proposed by him. However, such allegations against the officials acting at the instance of politicians and towards benefiting them are made without any material to substantiate the same.

3. Mr.K.Chellapandian, learned Additional Advocate General, submits that though on an earlier occasion, an alignment initially was arrived at, the respondents have taken into consideration not only the representation of the petitioner, but also of others and arrived at a second tentative alignment, which, if adopted, would result in reducing the distance of the ring road by approximately 12.1 kilometres, reducing the requirement of land acquisition by approximately 60 acres and the cost approximately by Rs.115 crores. The learned Additional Advocate General further submits that the respondents, now having two opposing alignment maps, would have to take a decision as to which one would be the most appropriate. The learned Additional Advocate General also submits that when such is the position, the decision should be left in the hands of the authorities.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Mr.Issac Mohanlal, learned Senior Counsel, representing



Mr.A.N.Ramanathan, learned counsel on record for the fourth respondent informs that G.O.(Ms).No.164, Highways Ports (HP2) Department, dated 18.10.2013, reflected the position that the ring road around Karur Town would touch as many as 14 villages. The proceedings of the Divisional Engineer, Highways, Karur, in Na.Ka.No.588/2016/இமா, dated 22.05.2017, informs that necessary action towards issue of land acquisition notices in respect of 4 out of such 14 villages has been initiated. The learned Senior Counsel brings to the notice of this Court that the petitioner does not belong to anyone of the 14 villages.

5. We find ourselves in agreement with the submission of the learned Senior Counsel that a reading of G.O.(Ms).No.164, Highways and Minor Ports (HP2) Department, dated 18.10.2013, indeed does reflect the position that the same indicates a broad understanding of what the alignment of the proposed ring road should be and that administrative sanction of Rs.77 crores had been made there towards. The learned Senior Counsel submits that two high level bridges at the cost of Rs.11 and Rs.25 crores, totally Rs.36 crores, have already been constructed.

6. The learned Additional Advocate General submits that necessarily, the two bridges, which already stand constructed would form part of the final alignment path.

7. On the one hand, the learned counsel for the petitioner submits that the alignment of the ring road is being altered to suit the conveniences of certain individuals and on the other, Mr.Issac Mohanlal, learned Senior Counsel informs that a re-look on the alignment process as against that reflected in the original G.O. (Ms).No.164, Highways and Minor Ports (HP2) Department, dated 18.10.2013, would be against the interest of people belonging to 14 villages.

8. The submission of the learned Additional Advocate General that the representation of not only the petitioner as also others has been taken into consideration and also the submission that a second alignment map is now available would only reflect the open mind of the authorities relating to the issue. We, necessarily, would have to leave the matter in the hands of the authorities concerned on the question of determining which alignment would best serve the public interest.

9. With the above observations, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/



To

1.The Principal Secretary to Government,
Highways and Minor Ports Department,
Fort St. George,
Chennai 600 009.

2.The Chief Engineer,
(Construction and Maintenance),
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Integrated Chief Engineers' Office,
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3.The District Collector,
Karur District,
Collectorate,
Thanthondri Malai,
Karur 639 005.

+1CC to Mr.J.Senthil Kumaraiah Advocate in SR.No.70795.

+1CC to The Special Government Pleader in SR.No.70823.

+1CC to Mr.AN.Ramanathan Advocate in SR.No.70222.

SJI/NB

DS/SKN-RSK/SAR-1 :17.07.2018: 4P/7C

ORDER MADE IN
W.P. [MD] .No.19419 of 2017
and
W.M.P. (MD) .15724 of 2017
02.07.2018