

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21/8/2019

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.23795 of 2019

Tamil Nadu Nugarvor Padukappu Kuzhu
rep. By its Secretary
Mr.G.Aravind Kumar
Nagapattinam 611 001.

.... Petitioner

Vs

1. The Secretary
Ministry of Road Transport
Highways and Shipping
Government of India
Room No.503, Transport Bhawan
No.1 Sansad Marg
New Delhi 110 001.
2. National Highways Authority of India
rep. By its Chief General Manager
CGM (HR/Admn)-II &
Nodal Officer for Public Grievance
Government of India
Room No.409, G 5 & 6, Sector 10
Dwarka
New Delhi 110 075.

3. State of Tamil Nadu
rep. By the Principal Secretary to Government
Highways and Minor Ports (HV1) Department
Secretariat, Fort St. George
Chennai 600 009.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of mandamus, directing the respondents to take necessary action to resume and complete the National Highway Project NH - 67 Thanjavur Nagapattinam

Sector and in the meanwhile, direct the respondents to maintain existing carriage way in the above project by considering the representation dated 17/2/2019.

For Petitioner ... Mr.X. Selvam Sounder

For respondents... Mr.G.Karthikeyan
Assistant Solicitor
General of India
for R.1.

Mr.Akhil Akbar Ali
Government Advocate
for R.3.

O R D E R

(Order of the Court was made by S.MANIKUMAR, J)

Tamil Nadu Nugarvor Padukappu Kuzhu, represented by its Secretary, Mr.G.Aravind Kumar, has sought for a writ of mandamus, directing the respondents to take necessary action, to resume and complete the National Highway Project NH - 67 Thanjavur Nagapattinam Sector and in the meanwhile, to direct the respondents to maintain existing carriage way in the above project, by considering his representation, dated 17/2/2019.

2. Material on record discloses that representation of the petitioner, dated 17/2/2019, regarding construction of the two lane work (Nagapattinam - Gudalur, Nagapattinam - Thanjavur) on National Highway 67, has been taken note of by the Ministry of Road Transport, Highways and Shipping, Government of India, and that the same has been forwarded to the Chairman, National Highways Authority of India for necessary action. Petition sent to the State Government has also been forwarded to the Regional Officer, National Highways Authority of India, for taking necessary action.

3. Representation of the petitioner, dated 17/2/2019; action taken by the Minister of Road Transport, Highways and Shipping, Government of India and the letter of the Deputy Secretary to the Government Highways and Minor Ports (HV1) Department, Secretariat, Chennai, are extracted hereunder:-

Date: 17/2/2019

To

Shri Vishnu Darbari
National Highways Authority of India
CGM (HR/Admn.) - II & Nodal Officer for Public Grievance
Room No.409
G 5 & 6, Sector 10, Dwarka
New Delhi 110 075.

Sub:

Nagapattinam - Gudalur Road NH 67 - Nagapattinam - Thanjavur
- Two Line Work - regarding.

Sir,

You aware the following facts.
The Road NH 67 is in existence as two lane Road. It was handed over to NHAI to convert four lane road. It was divided into few sectors and tenders were called for. The contractors who took the work between Coimbatore and Thanjavur land four lane road except few Kilometers. The Thanjavur - Nagapattinam Sector is not yet completed.
For Thanjavur to Nagapattinam Sector, tender was issued in the year 2009 for laying 4 lane. Since there were no bidders it was scaled down to two lane road. The tender was finalised in the year 2015. The contract was allotted to M/s. Madhucon Projects Ltd., Hyderabad and the agreement was signed on 8/4/2015. This is an EPC project. The project had to be achieved 100% at the end of December 2017. The date of project completion is 24.12.2017 as per the agreement. But only 26.75% work was completed on that date. From September 2017 to till today, no construction activity was done on that road.
As per agreement, the existing carriage way is to be maintained by the same contractor till the completion of the project. It was also not done by them. Now the road becomes unworthy to drive vehicles normally.
Let us know why the project is not carried on by the contractor. When the project work will be resumed and completed.
We request you to maintain the existing carriage way till the above project will be completed."

Yours faithfully

Nagapattinam
16/2/2019

Secretary
(G. Aravind Kumar)

7th March, 2019

Dear Shri Kumar Ji,

The office of the Hon'ble Minister Road Transport, Highways & Shipping has received your letter dated 17/2/2019 regarding construction of two lane work (Nagapattinam - Gudalur, Nagapattinam - Thanjavur) on National Highway No.67.

The same has been forwarded to Chairman (NHAI) for necessary action.

With regards,

Yours sincerely

(Vaibhav Dange)

Letter No.3870/HV1/2019-2, dated 29/3/2019

From

Thiru.S.Ulaganathan, M.A., M.Sc., M.Phil
Deputy Secretary to Government.

To

The Secretary
Tamil Nadu Nugarvor Padukappu Kuzhu
Nagapattinam.

Sir,

Sub: Chief Minister Cell petition - NH 67 - Nagapattinam -
Thanjavur four laning - delayed - Regarding

Ref: Your petition through Chief Minister Cell dated
17/2/2019.

I am directed to state that the project of four laning of Thanjavur - Nagapattinam section of NH 67 is being implemented by NHAI. I am therefore, to inform you that your petition has been forwarded to Regional Officer, NHAI, Chennai, for taking necessary action.

Yours faithfully

for Deputy Secretary to Government

4. Though the petitioner has contended that no action has been taken, on his representation, and thus, constrained to file a writ of mandamus, as stated supra, and in the light of the decision taken by the Ministry of Road Transport, Highways and Shipping, Government of India, New Delhi and the State of Tamil Nadu, Highways and Minor Ports (HV1) Department, Chennai, forwarding the representation to the Regional Officer, NHAI, for necessary action, we only direct the said authority to take necessary action and accordingly, inform the writ petitioner, as expeditiously as possible, but not less than four weeks, from the date of receipt of a copy of this order.

5. With the above direction, writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mvs.

To

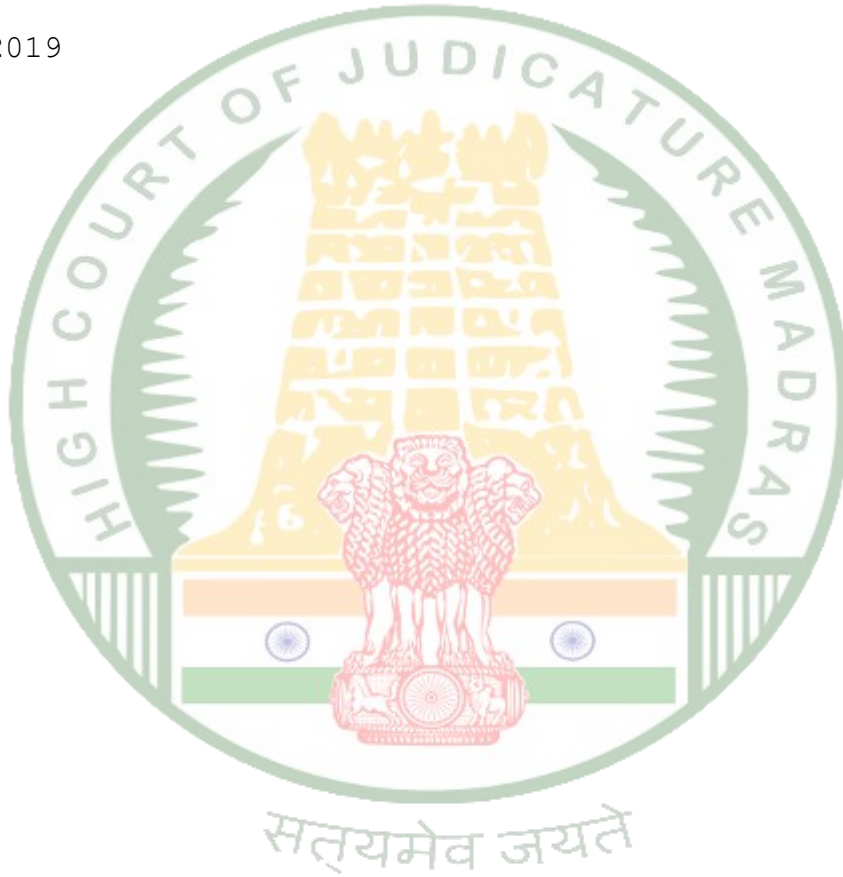
1. The Secretary
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3. The Principal Secretary to Government
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+1cc to Mr.X. Selvam Sounder, Advocate sr.71290

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