

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2019

CORAM:

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

W.P.No.28619 of 2018
and
W.M.P.No.33404 of 2018

A.Sivashanmugam .. Petitioner

Vs.

1.The Chairman
National Highways Authority of India,
H 5&6, Sector-10, Dwarka,
New Delhi - 110 075.

2.The Deputy General Manager,
National Highway Authority of India,
No.DP 34, Sri Towers,
South Phase, 3rd Floor,
Guindy, Chennai-600032.

3.The District Collector,
Villupuram District,
Villupuram.

4.The Superintendent of Police,
Villupuram District,
Villupuram.

5.The Project Director
National Highways Authority of India,
VGP Nagar West, Vazhudhareddy Post,
Villupuram- 605 401.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, directing the respondents 1 to 3 to initiate appropriate action for construction of flyovers at Ellis Chathiram, Villupuram and Gingee Crossroad, Villupuram where SH 69 and SH234 crosses NH 45 respectively.

For Petitioner : Mr.E.P.Senniayangiri

For R1, R2 & R5: Mr.Su.Srinivasan

For R3 & R4 : Mr.E.Manoharan
Additional Government Pleader.

O R D E R

(Order of this Court was made by SUBRAMONIUM PRASAD, J.)

This public interest writ petition is for a Writ of Mandamus, directing the respondents 1 to 3, i.e. the Chairman, National Highways Authority of India, New Delhi, Deputy General Manager, National Highway Authority of India, Chennai, and District Collector, Villupuram District, to initiate appropriate action for construction of flyovers at Ellis Chathiram, Villupuram and Gingee Crossroad, Villupuram where State Highway 69 and State Highway 234 crosses NH 45 respectively.

2. According to the petitioner, in these places, there are no signal or over bridge, resulting in number of accidents. The petitioner would submit that the traffic of these roads, is very high and it is necessary to have flyovers, to ensure smooth flow of traffic and at the same time, to ensure that the accidents, are reduced.

3. The petitioner in his affidavit, is averred that between 2008-2010, more than 100 persons have been lost their lives and 300 cattle have been killed in a road accident.

4. Notice has been issued on this writ petition on 31.10.2018.

5. On 13.11.2018, this Court passed the following order:-

The matter in issue pertains to construction of flyovers at Ellis Chathiram, Villupuram and Gingee Crossroad, Villupuram, where State Highways 69 and State Highways 234 crosses NH 45.

2. It is the submission of the learned counsel appearing for the petitioner that in those ports, hamlets are located and people used to cross National Highways frequently and most of the time, fatal accidents take place and loss of human life as well as serious injuries caused to those who are all using the

roads indiscriminately and construction of flyovers over the said ports are absolutely necessary and though the said fact has been brought to the knowledge of the officials of the National Highways Authorities of India, no proper response is forthcoming.

3. Per contra, Mr.S.K.Srinivasan, learned counsel appearing for the National Highways Authority of India would submit that proper study has also been done and taking note of the said, a decision has been taken to put up a flyover and seeks further time to file counter affidavit / status report with supporting documents.

4. Call on 04.12.2018. Status report of the respondents by then."

6. Today, the respondents 1 to 3, have filed a counter affidavit. Paragraph No.13 of the counter affidavit, reads as under:-

"13. With regard to averments of petitioner in paragraph 14 of the Writ Petition, it is submitted that all necessary Road safety measures have been provided on the request of public and District Administration as stated in Para 3 (a) to (b) supra. It is further submitted that as per the traffic data taken as recently on 13.11.2018 construction of VUP at both the junctions is not warranted. However, keeping in view the importance and local requirements, the NHAI has already decided for the construction of VUP at Gingee junction and proposal of detailed design and drawings for the same is under process. Likewise in respect of Ellis Chathiram junction also, proposal for construction of VUP is being initiated for consideration and approval of Competent Authority. Further it is submitted that, for installation of Traffic Signals at both junctions of Gingee and Ellis Chathiram, necessary steps will be taken after due consultation with the law enforcement Authorities and District Administration."

7. In view of the counter and more particularly, paragraph No.13, which has been extracted, the writ petition is disposed of. The respondents have decided for construction of Vehicular Under Pass (VUP) at Gignee junction and proposal of detailed design and drawings for the same is under process. The said paragraph also states that installation of traffic signal at both the signals that is Gingee and Ellis Chathiram, would be taken up, after due consideration with the authorities.

8. The writ petition, is disposed of with the above terms.
No Costs. Consequently, the connected writ miscellaneous
petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Chairman
National Highways Authority of India,
H 5&6, Sector-10, Dwarka,
New Delhi - 110 075.
2. The Deputy General Manager National
Highway Authority of India No.DP 34,
Sri Towers,
South Phase, 3rd Floor,
Guindy, Chennai-600032.
3. The District Collector,
Villupuram District,
Villupuram.
4. The Superintendent of Police,
Villupuram District,
Villupuram.
5. The Project Director
National Highways Authority of India,
VGP Nagar West, Vazhudhareddy Post,
Villupuram- 605 401.

+1 cc to Mr.E.P.Senniyangiri, Advocate, S.R.No.9459.

+1 cc to the Government Pleader, S.R.No.9457.

W.P.No.28619 of 2018
and
W.M.P.No.33404 of 2018

SR(CO)
SSM(19/03/2019) .