



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD)NO.2851 OF 2019

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M.Rajamahendran

:Petitioner

.vs.

1. The Project Director,  
National Highways Authority of India (NHAI),  
Karaikudi, Sivagangai District.
2. The Deputy General Manager cum Project Director,  
National Highways Authority of India (NHAI),  
2/80F, First Floor,  
Near Government Girls Higher Secondary School,  
Manamadurai, Sivaganga District.
3. The District Collector,  
Sivaganga District, Sivaganga.
4. The Assistant Divisional Engineer,  
Highways Department,  
Manamadurai, Sivaganga District.
5. The General Manager,  
Tamil Nadu State Transport Corporation  
(Madurai) Limited,  
Commercial Department,  
Madurai Region,  
Madurai - 625 010.
6. The General Manager,  
Tamil Nadu State Transport Corporation  
(Kumbakonam) Limited,  
Commercial Department, Karaikudi Region,  
Karaikudi,  
Sivaganga District.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to provide Centre Median and Bus Bay on both sides of the National Highways at Indira Nagar, T.Pappankulam, Thoothai Village Panchayat, Manamadurai Taluk, Sivaganga District in the Madurai Rameshwaram four lane to make the Highway user friendly for the school children and others by considering the Petitioner's written representation dated 13.8.2018 within the time frame fixed



For Petitioner  
For Respondents  
1 and 2  
For Respondents  
3 and 4  
For Respondents  
5 and 6

:Mr.A.Kannan  
:Mr.C.Arul Vadivel @ Sekar  
:Mr.A.Muthukaruppan  
Addl.Govt.Pleader  
:Mr.D.Sivaraman

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**O R D E R**

[Order of the Court was made by **T.S.SIVAGNANAM.,J.**]

We have heard Mr.A.Kannan, learned counsel appearing for the Petitioner, Mr.C.Arulvadivel @ Sekar, learned counsel appearing for the respondents 1 and 2, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 3 and 4 and Mr.D.Sivaraman, learned counsel appearing for the respondents 5 and 6.

2.This Writ Petition has been filed praying for a Writ of Mandamus to direct the respondents 1 and 2 to provide Centre Median and Bus Bay on both sides of the National Highways at Indira Nagar, T.Pappankulam, Thoothai Village Panchayat, Manamadurai Taluk, Sivaganga District in the Madurai Rameshwaram four lane to make the Highway user friendly for the school children and others by considering the Petitioner's written representation, dated 13.8.2018 within the time frame fixed by this Court.

3.So far as the Centre Median is concerned, it cannot be provided as requested by the people of the area as the development plan is carried out as per the approved design by the National Highways Authority of India. These are all technical aspects which the Court cannot venture into. The next aspect focused by the Petitioner is with regard to the Bus bay. The learned counsel for the Petitioner vehemently contended that there is a bus shelter and it was constructed out of the funds of the Member of Parliament and produced a photograph to show that there is a bus shelter.

4.The learned Standing Counsel appearing for the National Highways submitted that there is no bus shelter and that it has been clearly certified by the Block Development Officer, Thirupuvanam and as per the Tamil Nadu State Transport Corporation Limited, Kumbakonam Division, it is listed out that 19 bus stops are in Madurai-Rameswaram route.

5.Inspite of these materials placed before this Court, the learned counsel for the Petitioner reiterated that there is no bus shelter and it has to be provided by the National Highways Authority of India. It is relevant to extract paragraph 6 and 7 of the counter affidavit filed by the first respondent, which reads as follows:

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



*''6.I submit that the median opening is provided for two wheelers and four wheelers. Pedestrian can cross the road in front of bus stop. The height of centre median is only 200 m.m.*

*7.I submit that there is no provision in the agreement to provide bus shelter and median opening at Km 27/100 as per the Contract Agreement and there is no Bus stop as per the TNSTC list also. It is repeatedly held by the Supreme Court and our High Court that the Courts are not equipped to decide upon the viability and feasibility of particular project and alignment and the scope of judicial review is very limited.''*

6.While considering the Writ Petition filed under Article 226 of the Constitution of India, we find no reason to disbelieve the certificate of the Tamil Nadu State Transport Corporation Limited, Kumbakonam Division and the Block Development Officer, Thiruppuvanam. By merely producing photograph which shows a building styled as bus shelter, we cannot issue any direction by way of Writ of Mandamus. Therefore the prayer sought for by the Petitioner cannot be granted. If the Petitioner is able to establish that there is a bus shelter in the village afore-mentioned, then it is well open to the Petitioner to approach the concerned authorities to initiate necessary action in accordance with law.

7.With the above observation, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

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Commercial Department,  
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Sivaganga District.

+1 CC to M/s.A.KANNAN, Advocate ( SR-97309[F] dated 11/11/2019 )  
+1 CC to M/s.D. SIVARAMAN, Advocate ( SR-97473[F] dated 12/11/2019 )  
+1 CC to M/s.SPL GP ( SR-97767[F] dated 12/11/2019 )  
+1 CC to M/s.C.ARULVADIVEL@SEKAR, Advocate (SR-15224[D] dated 18/11/2019

ORDER MADE IN  
W.P (MD) NO.2851 OF 2019  
11.11.2019

VSN/Sma/28/11/19/ 4P 11C