



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **N. KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD)No.18394 of 2020

M.Subash Babu

... Petitioner

Vs.

1. The Superintending Engineer,
Highway Department,
Madurai Circle,
Alagarcoil Road,
Madurai.
2. The Divisional Engineer,
Highway Department,
Construction and Maintenance,
Madurai.
3. The Commissioner,
Madurai Corporation,
Madurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 2nd respondent dated 26.09.2020 in குறி/எண்/1413-2020-இவஅ2 and quash the same and consequently direct the 2nd respondent to connect the Ramalakshmi Nagar 3rd Street Sub Division Road with Main Road by laying Tar Road.

For Petitioner : Mr.M.Subash Babu
Party-in-person

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader for R1 and R2
Mr.R.Murali for R3

ORDER

[Order of the Court was made by **B.PUGALENDHI, J.**]

This writ petition is filed as against the order of the second respondent dated 26.09.2020, wherein, the Divisional Engineer, Highways Department, Madurai, rejected the request of the petitioner for establishing a connecting road from Ramalakshmi Nagar 3rd Street



with Moondrumavadi-Iyer Banagalow Road.

2. It is stated in the impugned order that Ramalakshmi Nagar 3rd Street is 1.70 meter level below the plinth of Moondrumavadi-Iyer Bangalow Road and if direct access is given to the said Road from main Road, accidents may occur due to the high level contents of the main road.

3. The case of the petitioner is that this main road from Moondrumavadi to Iyer-Bangalow is a heavily crowded road and it was very narrow and during the peak hours, several accidents have taken place. Therefore, he filed a public interest litigation before this Court to expand and strengthen the road by removing the encroachments and pursuant to the orders of this Court, all encroachments were removed and roads are also developed as two-way lane at a cost of Rs.50 Crores and all the branch roads connecting Moondrumavadi-Iyer Bangalow Main Road were connected by the second respondent, whereas, the road connecting the petitioner's lane alone is not connected. Therefore, he also made a representation and on his representation, the second respondent has passed the impugned order rejecting his claim. Challenging the same, the petitioner has filed this writ petition.

4. When the matter was taken up for hearing, considering the plea made in the writ petition and on the petitioner's instance only that the road Moondrumavadi-Iyer-Bangalow road has been extended, this Court directed the first respondent to have a joint inspection and find out the feasibility of connecting the Moondrumavadi-Iyer Bangalow Road with Ramalakshmi Nagar.

5. According to the first respondent, the joint inspection was held by the Superintending Engineer (Highways), Construction and Maintenance, Madurai, the Executive Engineer (Madurai Corporation), Assistant Town Plan Officer (Madurai Corporation), Assistant Executive Engineer (Madurai Corporation), Assistant Divisional Engineer (Highways), Construction & Maintenance, Madurai West Sub-Division and Junior Engineer (Highways), Construction & Maintenance, Madurai on 16.12.2020. The left out unconnected stretch of 20 metre length branch road connecting Ramalakshmi Nagar third street Moondrumavadi-Iyer Bangalow Main Road is belonging to Madurai Corporation. However, the Superintending Engineer/first respondent herein has agreed to carry out this left out eastern stretch of 20 metre length with 3.75 metres width with the bituminous surface and it would make smoothen and easy to approach the main road, within a period of sixty days. The first respondent has also filed an affidavit to the effect that the process would be completed within a span of 60 days.

6. Recording the submission of the first respondent, the writ petition is disposed of. No costs.



7. This Court also place its appreciation for the swift action taken by the first respondent herein and to the learned counsel for the Corporation and the Special Government Pleader for having made a joint inspection and for having solved the issue amicably.

WEB COPY

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintending Engineer,
Highway Department,
Madurai Circle,
Alagarcoil Road,
Madurai.

2. The Divisional Engineer,
Highway Department,
Construction and Maintenance,
Madurai.

+1cc to MR.M.SUBASH BABU, ADVOCATE, SR NO.26391

+1cc to MR.R.MURALI, ADVOCATE, SR NO.26181

W.P. (MD) No.18394 of 2020

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KK(26.05.2021) 3P 5C