



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.13853 OF 2020

Madurai Farooq Ahmed

... Petitioner -
Petitioner in Person

.Vs.

1. The Tamil Nadu State Highways Department,
Rep. By its Divisional Engineer (H),
Project Division, No.18, 5th West Highways,
Gandhi Nagar, Vellore - 632 006.
2. The District Collector,
Tirupattur District, Old B.D.O. Office,
Krishnagiri Main Road, Tirupattur - 635 601.
3. The Commissioner,
Land Administration Department,
Ezhilagam, Chepauk, Chennai - 600 005.
4. The District Revenue Officer,
Municipal Buildings, New Town,
Vaniyambadi - 635 752.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first and second respondents to take immediate action for removing the encumbrances and illegal occupations from the service road site near Pudur Road Over Bridge at Vaniyambadi and consequently direct the second respondent to lay the proposed service road on the right side of the road over bridge (Krishnagiri to Vellore side) for public usage.

For Petitioner : Mr.Madurai Farooq Ahmed
Party-in-person

For Respondents : Ms.Amirta P.Dinakaran
Counsel for the State
For RR1 to 4



ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The prayer in the petition is for a direction on the State Highways Department for constructing an over-bridge at Vaniyambadi in a particular manner.

2. When the petition was received in December last year, it was recorded that acquisition proceedings had been completed for laying of a service road to the right of the railway over-bridge. When the matter appeared next on February 11, 2021, it was submitted on behalf of the official respondents that the encroachments on the service road site near the Pudur Road over-bridge at Vaniyambadi had been removed.

3. The petition could not be taken up thereafter since the petitioner was not represented.

4. The substance of the petition is to direct the construction of an over-bridge at a particular place. While it may suit the petitioner to have the bridge at a particular place, it is for the appropriate authorities to consider the feasibility of the project, the convenience of all concerned and take a decision in such regard. There is a presumption that always operates that all relevant considerations would have gone into the decision-making process and the most convenient and least intrusive option would have been chosen.

5. Since the construction project has continued for some time, it may not be possible at this stage to change the alignment, unless a case is made out that the construction would be altogether useless if carried out as per the present plan.

6. In view of the advanced nature of the project and the fact that the petitioner's interest must have been taken into account by the respondent authorities, W.P.No.13853 of 2020 is disposed of.

There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi



To

1. The Divisional Engineer (H),
Tamil Nadu State Highways Department,
Project Division,
No.18, 5th West Highways,
Gandhi Nagar,
Vellore - 632 006.
2. The District Collector,
Tirupattur District,
Old B.D.O. Office,
Krishnagiri Main Road,
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4. The District Revenue Officer,
Municipal Buildings,
New Town,
Vaniyambadi - 635 752.

+lcc to Mr.Madurai Farooq Ahmed, Advocate, S.R.No.39974

W.P.NO.13853 OF 2020

JP-II (CO)
PBS/16/08/2021