



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2021

CORAM :

WEB COPY

THE HONOURABLE TMT.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE THIRU.JUSTICE P.VELMURUGAN

W.P (MD)No.14633 of 2021

and

WMP (MD)No.11568 of 2021

A.Irulandi

... Petitioner

vs.

1) The Government of India,
Rep by the Commissioner,
The National Highways Authority of India,
Ministry of Road Transport and Highways,
New Delhi.

2) The Regional Officer,
The National Highways Authority of India,
Government of India,
Ministry of Road Transport and Highways,
2nd & 3rd Floor, Vijay Krishna Plaza,
No.1, Lake Area, Madurai Main Road,
Mattuthavani,
Madurai-625 007.

3) The Regional Project Director,
The National Highways Authority of India,
Government of India,
Ministry of Road Transport and Highways,
Plot No.3, Surya Towers Second Floor,
East 1st Street, K.K. Nagar,
Madurai-625 020.

4) The Divisional Engineer,
State Highways Department,
Madurai.

... Respondents

(R4 is suo motu impleaded vide order dated 08.11.2021)



Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to drop the proposed project work of Fee Plaza construction at Upparpatty Village in Dindigul-Theni-Kumuli Highways Road.

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For Petitioner : Mr.N.S.Ponnaiah
For R1 : Mr.P.Paulpandi
Senior Panel Counsel for Union of India
For R2 & R3 : Mr.C.Arul Vadivel @ Sekar
For R4 : Mr.P.Subbaraj
Special Government Pleader

ORDER

(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The writ petitioner has come up with the above writ petition, for a Mandamus, directing the respondents to drop the proposed project work of Fee Plaza construction at Upparpatty Village in Dindigul-Theni-Kumuli Highways Road.

2. According to the petitioner, there are two National Highways Projects namely, one is from Dindigul-Theni-Kumuli Highways and another is from Madurai-Theni-Cochin Highways. It is further stated that a Fee Plaza has already been constructed at the point of Arapidithevanpatty, near to Theni Government Medical College on the Madurai-Theni-Kumuli-Cochin Highways. Another Fee Plaza is now under construction, near Upparpatty Village on the National Highways. According to the petitioner, the distance between the above two Fee Plazas is only about 10 to 15 kms and therefore, it is in violation of Rule 8(2) of the National Highways Fee (Determination of Rates and Collection) Rules, 2008.

3. Upon notice, the learned Special Government Pleader appearing for the 4th respondent, has produced the status report of the 4th respondent, dated 19.11.2021. The said report is based on the letter from the Superintending Engineer, National Highways.

4. The status report as has been furnished to this Court, is extracted below:-

'1. A Toll plaza was constructed in 2016 at Km 71/10 of NH 49 Extn (New NH 85), Madurai - Cochin Road near Theni at Arapadithevanpatti through the work of 'widening the existing two lane to Four lane from Km 19/8 to 24/4 & 64/0 to 74/0 of NH 49 Extn.'

2. Government of India, Ministry of Road Transport & Highways sent a letter no.RW/NH-12037/43/2016-TN(P-7) dated

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



21.10.2016 regarding fore-closure of construction of Toll plaza in the project costing less than 100 crore.

3. Hence further activities in the construction of toll plaza was stopped. Then Toll plaza is not functional since construction.

4. No Toll fee is collected till date since construction.

5. At present Toll plaza is not functioning.''

5. Even according to the petitioner, the project work of the Fee Plaza at Upparpatty Village, is only at the beginning stage and he wants the stoppage of the said construction with immediate effect. The status report Clause No.3 states that construction of the said Toll Plaza was stopped and no Toll fee is collected, as the Toll Plaza itself is not functioning. In the event, the petitioner apprehends that the work would be re-started, it is open to him to approach this Court, for any further direction.

6. The Writ Petition is disposed of, in the light of the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

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/ /2021

Sub Assistant Registrar(CS)

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To

1) The Commissioner,
Government of India,
The National Highways Authority of India,
Ministry of Road Transport and Highways,
New Delhi.

2) The Regional Officer,
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4) The Divisional Engineer,
State Highways Department,
Madurai.

+1 CC to M/s.P. PAUL PANDI, Advocate (SR-35737[F] dated
24/11/2021)

+1 CC to M/s.C. ARUL VADIVEL @ SEKAR, Advocate (SR-35835[F] dated
25/11/2021)

+1 CC to M/s.SPL GP (SR-35844[F] dated 25/11/2021)

W.P(MD)No.14633 of 2021

DATED : 24.11.2021

MGJ(02.12.2021) 4P 8C