



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29241 of 2016 and  
W.M.P.No.25276 of 2016

M.K.Mustaffa

... Petitioner

Vs

1.The Principal Secretary to Government,  
Highways & Minor Ports Department,  
Fort St. George, Secretariat,  
Chennai - 600 009.

2.The Director General,  
Highways Department,  
PWD Complex, Kamarajar Salai,  
Chepauk, Chennai - 600 005.

3.Director, Highways Research Station,  
76, Sardar Patel Road,  
Guindy, Chennai - 600 025.

4.Divisional Engineer (H),  
CMDP Division III,  
76, Sardar Patel Road,  
Guindy, Chennai - 600 025.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus calling for the records pertaining to the order passed by the 4<sup>th</sup> respondent bearing Lr.No.EVR-GS/JDO/2011/dated 13.05.2016 and quash the same and direct the respondents to allow the petitioner to park his vehicles in the space underneath the bridge.

For Petitioner : Mr.R.Rajesh Kumar

For Respondents : Mr.C.Sathish  
Government Advocate

ORDER

The order dated 13.05.2016 rejecting the claim of the petitioner to provide parking space underneath the structure for



the purpose of parking the vehicle belongs to the petitioner is under challenge in the present writ petition.

2. The piece of land belongs to the petitioner in Vada Agaram Village Block No.1 TS.No.1 was acquired for the purpose of construction of Grade Separator and service road adjacent to the Grade Separator. The Grade Separator and service road was constructed after paying due compensation to all the persons concerned. Access to the buildings were made from the newly formed service road. The grievance of the writ petitioner is that beneath the Grade Separator space available must be provided for parking their vehicle. In this regard, the authorities have informed the petitioner that the area beneath the Grade Separator was protected with a safety kerb in order to prevent encroachments, trespassing from main carriageway to service road and vice versa. The area below the structure was proposed to be provided with landscaping and beautification purposes. Therefore, the request of the petitioner to consider the area beneath the structure for parking of their vehicle was not accepted. The authorities have further stated that the area belongs to the Government and could not be parted for the benefit of the individuals. EVR Salai is an high intensity traffic corridor where allowing parking beneath the structure will create chaos among the road users and also create traffic problems and even lead to accidents in EVR Salai.

3. This Court is of the considered opinion that the policy decision taken in this regard by the competent authorities cannot be interfered with by the Courts. Considering various factors including traffic congestion, future developments, beautification of roads, accidents etc., decisions are taken and such decisions if interfered, would undoubtedly cause public inconvenience. It is for the Experts to consider these aspects and take appropriate decision in the interest of public and for the betterment. Thus, the Courts would not interfere in such cases where certain policy decisions are taken for the benefit of the road users or for providing parking facilities. Even in the counter filed by the respondents, it is stated that Poonamalle High Road caters to large volume of heavy trucks and height containers leading to harbor during night hours. Safety Kerb wall beneath the structure was constructed to safeguard the Pier Columns and Pier Caps of the Bridge structure from the large containers and heavy trucks. Therefore, such decisions are taken in the interest of public and to protect the structure constructed. The traffic problems were also taken into consideration. Such Expert opinion implemented cannot be interfered with by the Courts by issuing direction to provide parking space in a particular locality. Thus, it is for the authorities to consider various aspects and take a decision and in the present case, the respondents have already taken a



decision not to provide parking space in the place which is indicated by the petitioner and therefore, the relief as such sought for cannot be granted and consequently, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Sgl

To

- 1.The Principal Secretary to Government,  
Highways & Minor Ports Department,  
Fort St. George, Secretariat,  
Chennai - 600 009.
- 2.The Director General,  
Highways Department,  
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- 3.The Director, Highways Research Station,  
76, Sardar Patel Road,  
Guindy, Chennai - 600 025.
- 4.The Divisional Engineer (H),  
CMDP Division III,  
76, Sardar Patel Road,  
Guindy, Chennai - 600 025.

+1cc to the Government Pleader, S.R.No.5696

W.P.No.29241 of 2016

MT(CO)  
SB(10/02/2022)