



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)NOS.12794 of 2016 and 14043 and 14044 of 2017
and
W.M.P(MD)No.9689 of 2016

W.P(MD)No.12794 of 2016

Senthilkumar

:Petitioner

.vs.

1.The District Collector,
Collectorate Office,
Dindigul District.

2.The Planning Director,
The National Highways Planning,
Plot No.3, Suriya Towers,
Second Floor,
First East Street,
K.K.Nagar,
Madurai.

: Respondents

W.P(MD)Nos.14043 and 14044 of 2017

The Deputy General Manager cum Project Director(NHAI),
represented by V.Saravanan,
son of Venkadachalam,
Project Implementation Unit,
Plot No.3, Surya Towers,
Second Floor,Ist East Street,
K.K.Nagar,
Madurai - 625 020.

:Petitioner in W.P(MD)Nos.
14043 and 14044 of 2017

.vs.

1.The Superintendent of Police,
Dindigul District,
Dindigul.

2.The Inspector of Police,
Ammayanaiskanur Police Station,

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



Dindigul District.

3.A.Ravi

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4.Senthilkumar

: Respondents 1 and 2 in
W.P(MD)Nos.14043 and
14044 of 2017

: Respondent No.3 in
W.P(MD)No.14043 of
2017

: Respondent No.3 in
W.P(MD)No.14044 of
2017

PRAYER in W.P(MD)No.12794 of 2016: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the second respondent herein from obstructing the ingress and egress by constructing weigh bridge in front of the Petitioner's property situate at S.No.76/8A-1 measuring 68 cents located at Oruthattu Village, Nilakkottai Taluk, Dindigul District.

COMMON PRAYER in W.P(MD)Nos.14043 and 14044 of 2017: Writ Petitions 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 give Police protection to install the Static Weigh Bridge(SWB) at S.Nos.76/7A2 and 76/8A2, Kodai Road, Toll Plaza based on the representation given by the Petitioner, dated 23.02.2017.

W.P(MD)No.12794 of 2016

For Petitioner
For Respondent-1

For Respondent-2

:Mr.S.Lenin Prabu
:Mr.T.Senthil Kumar
Addl.Public Prosecutor
:Mr.N.Shanmugaselvam

W.P(MD)Nos.14043 and 14044 of 2017

For Petitioner
For Respondents
1 and 2
For Respondent-3
in W.P(MD)No.14043
of 2017
For Respondent-3
in W.P(MD)No.14044
of 2017

:Mr.N.Shanmugaselvam
:Mr.T.Senthilkumar
Additional Public Prosecutor
:Mr.K.P.Narayanakumar
: Mr.S.Lenin Prabhu



COMMON ORDER

W.P(MD)No.12794 of 2016

This Writ Petition has been filed seeking to issue a Writ of Mandamus forbearing the second respondent herein from obstructing the ingress and egress by constructing weigh bridge in front of the Petitioner's property situate at S.No.76/8A-1 measuring 68 cents located at Oruthattu Village, Nilakkottai Taluk, Dindigul District.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The only apprehension of the Writ Petitioner is that if the weigh bridge is constructed, it will block the access to his land, whereas, the learned counsel for the respondents would submit that in between the weigh bridge and the Petitioner's property, there is a 15 meters gap and if the weigh bridge is constructed, there cannot be any difficulty for the Petitioner to have an access to his land and the same area will not be blocked by the National Highways Authority of India.

4. In paragraph No.6 of the Counter affidavit filed by the National Highways Authority, it is stated as follows:

'6. Hence it has been proposed to install Static Weigh Bridge (SWB) at S.No.76/8A2 which was acquired by the National Highways Authority of India for Kodai Road Toll Plaza. As pointed out by the Petitioner, if the Static Weigh Bridge (SWB) installed in the above said place, the access of his land will not be affected as there is 15 meters gap between the Petitioner's land and the Static Weigh Bridge (SWB) hence he can easily access his land and it will not block the entry to his land. The height of the weigh bridge is only 0.5 meters and it will not affect the elevation of the Petitioner's land. The Static Weigh Bridge (SWB) is proposed to install within our Right of Way and 15 meters away from the Petitioner's land. Moreover, Weigh in Motion (WIM) has been installed in all the ten lines in the Toll Plaza and if there may be any discrepancy of weight of the vehicle in the Weigh in Motion (WIM), the Static Weigh Bridge (SWB) will be used to justify the same.'

5. The learned counsel for the Petitioner would submit that if the 15 meters gap as stated in the counter is left, he has no objection to construct the same.

6. In such view of the matter, the National Highways Authority of India is permitted to construct the weigh bridge, leaving behind



affidavit.

7. With the above observation, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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W.P(MD) Nos.14043 and 14044 of 2017

These Writ Petitions are filed seeking issuance of a Writ of Mandamus directing the respondents 1 and 2 to give Police protection to install the Static Weigh Bridge(SWB) at S.Nos.76/7A2 and 76/8A2, Kodai Road, Toll Plaza based on the representation given by the Petitioner, dated 23.02.2017.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. As both sides have fairly agreed that there is a gap of 15 meters and that the above said place will not be blocked, the National Highways Authority of India adhere to their undertaking and the stand taken by them in Paragraph No.6 of their counter affidavit, the National Highways Authority of India is permitted to construct the Weigh Bridge with the help of the Police. Whenever there is Police protection needed, the second respondent is directed to provide necessary Police protection, as sought for by them.

4. With the above directions, these Writ Petitions stand allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsn

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 District Collector,
Collectorate Office,
Dindigul District.

2.The Planning Director,
The National Highways Planning,
Plot No.3, Suriya Towers,
Second Floor,
First East Street,
K.K.Nagar,
Madurai.

3.The Superintendent of Police,
Dindigul District,
Dindigul.

4.The Inspector of Police,
Ammayanaickanur Police Station,
Dindigul District.

5. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.S.LENIN PRABU, Advocate (SR-10057[F] dated
04/03/2022)

+1CC to Mr.K.P.Narayanakumar, SR.No. 9957

+1CC to Mr.N.Shanmugaselvam SR.No. 10436

W.P (MD) NOS.12794 of 2016 and
14043 and 14044 of 2017
and
W.M.P (MD) No.9689 of 2016
03.03.2022

CK (CO)
KB (15.03.2022) 5P 9C