



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.2611 of 2023

Avinshree International School
Rep. by its Chairman/Correspondent
Mr.T.Vasudevan
R.S.No.104/1, FCI Godown Road,
Thiruvandarkoil,
Puducherry – 605 102.

...Petitioner

Vs

1.The Deputy General Manager (Tech) &
Project Director,
Project Implementation Unit – Puducherry,
National Highways Authority of India,
Ministry of Road Transport and Highways,
No.28 & 29, 1st Cross, Ganapathy Nagar,
Arumparthapuram, Puducherry – 605 110.

2.The District Collector,
Union Territory of Puducherry,
I Floor, New Revenue Complex,
Vazhudavoor Road, pettaiyanchathiram,
Puducherry – 605 009.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to provide median opening around 40 feet wide at CH 22+500 (NH-45A), Puducherry-



W.P.No.2611 of

Villupuram Highway between Thirubhuvanai and Thiruvandar Koil as prayed for in the representation submitted by the writ petitioner on 19.12.2022.

For Petitioner : Mrs.S.Radha Gopalan
For R1 : Mrs.S.R.Sumathy
For R2 : Mr.M.Nirmal Kumar
Government Advocate [Puducherry]

ORDER

The relief sought for in the present writ petition is to direct the respondents to provide median opening around 40 feet wide at CH 22+500 (NH-45A), Puducherry-Villupuram Highway between Thirubhuvanai and Thiruvandar Koil as prayed for in the representation submitted by the writ petitioner on 19.12.2022.

2.The petitioner is Avinshree International School. The first respondent has proposed and started work for four lanning of Villupuram, Puducherry [KM 29.000] Section of NH-45A (New NH 332) and the same passes through Thiruvandar Koil wherein the petitioner School is situated. The petitioner School after having gone through the plan of the flyover which



is being constructed in Puducherry – Villupuram NH-332 and found that there is no crossing/inter-section near their Institution. Thus the petitioner gave a representation on 24.10.2022 to the first respondent endorsing a copy of the same to the second respondent.

3.The learned counsel appearing for the petitioner mainly contended that a median is to be provided for the benefit of the children studying in that locality. The median now proposed to be constructed would not serve the purpose since the distance is 340 meters. Since the request made by the petitioner has not been considered, they have chosen to file the present writ petition.

4.The first respondent filed a status affidavit. The affidavit states that the representation submitted by the writ petitioner on 19.12.2022 has been considered by the respondents, it was referred to the independent Engineer to review and submit a report. Accordingly, the independent Engineer inspected the site, reviewed and examined and submitted a report on 11.01.2023. The said report has been further reviewed by the first respondent and a reply was sent to the writ petitioner on 02.02.2023. The brief details of



WEB COPY

W.P.No.2611 of



the reply given to the writ petitioner reads as under:

- Independent Engineer [IE] stated that there is a provision of opening at Km at Km 22+589 where the traffic can make entry & exit to the main carriage way from service road or vice versa. In addition Flyover proposed at Km 23+300 and Vehicular Underpass (VUP) proposed at Km 21+670 shall be utilised for crossing facility.
- The RE wall portion of the approach of flyover started 40 M before the cross road (km 22+960) which leads to the School.
- RE wall of Thiruvandarkoil underpass starts near the cross road leading to school and hence median opening cannot be provided owing to safety norms. The service road proposed on both sides of the highway may be utilised for safe and smooth traffic.
- The cross road leading to the school exist at km 22+960 (RHS) and flyover exist at km 23+300 which is only 340 M where crossing facility available could be utilised.
- The distance between km 22+500 (location requested for median opening) and km 22+960 is 460 M which is more distance than the available facility. All other roads/local streets are very congested and school buses and van could not travel through the local streets/roads.
- Provision to make entry/exit from main road to service road and vice versa is made km 22+580.
- A government school exists adjoining the service road near 22+850. Further, FCI godown is located near the school zone



WEB COPY

W.P.No.2611 of



where heavy vehicle traffic movement will pose danger to the traffic if median opening is provided at that location.

- The service road proposed on the both sides of Highway and Flyover at km 23+300 for crossing facility and provision made at km 22+580 (to make entry/exit from main road to service road and vice versa) may be utilised for safe and smooth traffic flow.

5.The relevant clause of the Manual of Specification and Standards for four lanning of Highways is as under:

“Cl 2.14.2 – Median opening shall not be provided in front of the service road entry. The distance between the service road entry and the median opening shall be at least equal to the sum of length of acceleration lane, weaving length and deceleration length. This distance shall however be not less than 150M. Location of opening shall be so decided as to minimize contraflow.”

6.Considering the report and the specifications and standards for four lanning of Highways, the Median opening cannot be considered in view of the traffic hazard and also safety of the road users. The cross road leading to the school exist at km 22+960 (RHS) and flyover exist at km 23+300 which is only 340 M where cross facility is available could be utilized by the



petitioner School.

WEB COPY

7.The research oriented projects of National Highways Authority of India cannot be interfered with by the Courts in a writ proceedings in a casual manner. The National Highways projects are implemented by conducting research and only in the event of any violation of the specifications or the standards, the Courts can exercise the powers of judicial review for the purpose of considering the request made by the individual persons. In the absence of any such violation of specifications and standard procedures, the Court is bound by the experts opinion or their report for implementing the National Highways projects. The court not being an expert body cannot interfere with the opinion of such experts in the matter of expansion of road projects or for implementing four lanning of roads.

8.In the present case, the petitioner has submitted a representation and the said representation was meaningfully considered by the first respondent by appointing an Independent Engineer who in turn inspected the site, reviewed, examined and thereafter, submitted a report. The said report was further reviewed by the first respondent and a detailed reasons are given for



W.P.No.2611 of

the purpose of rejecting the request made by the writ petitioner. The reasons stated cannot be brushed aside. Thus the petitioner has not established any acceptable grounds for the purpose of considering the relief as such sought for in the present writ petition.

9. Accordingly, the writ petition stands dismissed. No costs.

24.08.2023

cse

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The Deputy General Manager (Tech) &
Project Director,
Project Implementation Unit – Puducherry,
National Highways Authority of India,
Ministry of Road Transport and Highways,
No.28 & 29, 1st Cross, Ganapathy Nagar,
Arumparthapuram, Puducherry – 605 110.

2. The District Collector,
Union Territory of Puducherry,
I Floor, New Revenue Complex,
Vazhudavoor Road, pettaiyanchathiram,
Puducherry – 605 009.



WEB COPY



W.P.No.2611 of

S.M.SUBRAMANIAM, J.

cse

W.P.No.2611 of 2023

24.08.2023