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W.P.No.8790 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.8790 of 2023
and
W.M.P.No.8969 of 2023

P.Dhananjayan

...Petitioner

Vs.

1. The Project Director (Highways),
Peripheral Ring Road, HRS Campus,
Sardhar Patel Road, Guindy,
Chennai – 600 026.
2. The Chairman and Managing Director,
Tamil Nadu Road Infrastructure Development Corporation,
LLA Building, Rangoon St., Anna Salai,
Thousand Lights, Chennai – 600 006.
3. Additional Divisional Engineer,
Tamil Nadu Road Infrastructure Development Corporation,
LLA Building, Rangoon St., Anna Salai,
Thousand Lights, Chennai – 600 006.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to increase the height of the underpass up to 5 meters at Bandikavanoor- Natham road, Ponneri Taluk, Thiruvallur District as per representations dated 07.12.2022, 05.01.2023 and 22.02.2023.



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For Petitioner : Mr.V.Chandrakanthan

For Respondents : Mr.U.Baranidharan, AGP

ORDER

This Writ petition has been filed seeking direction to the respondents to increase the height of the underpass up to 5 meters at Bandikavanoor-Natham road, Ponneri Taluk, Thiruvallur District, by considering the representations dated 07.12.2022, 05.01.2023 and 22.02.2023.

2. Mr.U.Baranidharan, learned Additional Government Pleader takes notice for the respondents. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that, the petitioner is running a small scale industry for manufacturing fly ash bricks. The petitioner and other villagers were using Bandikavanoor to Natham Road near Natham Village as ingress and egress for the lorries, for the purpose of loading and unloading fly ash bricks, transporting crops harvesting machines, paddy, sugarcane etc. While so, in the year 2020, the lands near the petitioner's



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factory were acquired for laying highways namely Chennai Peripheral Ring Road. However, the height of the underpass constructed in the Bandikavanoor-Natham Road near Kurambakkam village is only 4 meters , which will greatly affect various micro and small scale industries, farmers and villagers as the minimum height required for the lorries to travel through the underpass is about 5 meters. Aggrieved by the same, though several representations/letters were given to 1st and 2nd respondents, till date, no action was taken by the officials to increase the height of the underpass. Hence, this Writ petition.

4. Learned counsel for the petitioner submitted that, as per the Indian Road Congress, 1987 (in short 'IRC'), the vertical clearance for underpasses shall be at least 5 metres and in urban areas, the same should be increased to 5.50 metres. Contrary to the same, the respondents constructed an underpass with vertical clearance of 4 metres, which is not sustainable. Hence, he submitted that, it would suffice, if this Court issues direction to the respondents to increase the vertical clearance of the underpass constructed in the Bandikavanoor-Natham Road near Kurambakkam village from 4 metres to 5.50 metres by excavating the earth level metres.



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5. Learned Additional Government Pleader appearing for the respondents submitted that, the Government of Tamil Nadu has accorded Administrative Sanction for the Formation of Chennai Peripheral Ring Road connecting Ennore Port with Mahabalipuram. The said project is an externally aided project and the same was decided to be implemented to cater to the growing traffic in and around Chennai and the said project was split in to Five sections and among which, works are in progress in two sections. One section was already widened to six lane. He further submitted that, the proposed road is six lane main carriageway with two lane service road on either sides and the alignment of the project runs through green filed intersecting National Highways, State Highways, Major District Roads, other District roads and other rural roads. Further, as per IRC SP 87-2019, Vehicular underpass with 5.5 metres vertical clearance was proposed for major crossings such as National highways and State Highways and the Small Vehicular Underpass with vertical clearance of 4 metres was proposed for Major District Roads, other district roads and other rural roads. While so, as the subject underpass is coming under the Major District Road, the Small Vehicular underpass was proposed with 4 metres vertical clearance, which is perfectly in order and increasing the same to 5 metres



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will be in clear violation of IRC Code. He further more submitted that, the said 4 metres of vertical clearance is sufficient for the vehicles to cross the road and insofar as the large vehicles are concerned, they can take service road to the nearby facilities to cross the road, therefore, changing the Finished Road Level at one particular location is not possible since it will alter the entire plan and profile of the alignment for a considerable length, which will lead to contractual obligations. Hence, he prayed for dismissal of this Writ petition.

6. Heard learned counsel on either side and perused the materials available on record.

7. Though very many grounds have been raised, the major grievance of the petitioner is that, as the IRC Guidelines, the vertical clearance should be 5 metres and the same can be increased to 5.5 metres, however, the subject underpass is with a vertical clearance of only 4 metres.

8. However, a perusal of the material documents placed on record particularly the IRC SP 87-2019, the Manual of specification and Standards



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for six laning of highways reveal that, the Vehicular underpass with vertical clearance of 5.50 metres is only in respect of the National Highways and State Highways and in respect of the Major and other District roads and other rural roads, the vertical clearance of the underpass is only 4 metres and the subject underpass being a Smaller Vehicular Underpass in Major District Roads, the vertical clearance was rightly fixed as 4 metres in accordance with the IRC Guidelines. Hence, this Court is not inclined to interfere with the same.

9. For the reasons aforesaid, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

21.03.2023

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NCC	: Yes / No
Speaking Order	: Yes / No
Index	: Yes / No



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