



W.P(MD)No.1896 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.1896 of 2023

and

W.M.P(MD)Nos.1664 & 1666 of 2023

K.Shanmugasundaram

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Highways and Minor Ports Department,
St.George Fort,
Chennai-9.
- 2.The Chief Engineer,
Construction and Maintenance,
Highways Department,
Chennai-5.
- 3.The Superintending Engineer,
Construction and Maintenance,
Highways Department,
Thiruppur.
- 4.The District Collector,
Karur District,
Karur.
- 5.The Divisional Engineer,
Construction and Maintenance,
Highways Department,
Karur.



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6.The District Revenue Officer,
Karur,
Karur District.

7.The Special Tahsildar (Land Acquisition),
Ring Road Unit-I,
Karur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents interfering with petitioner's house property in S.No.184/1 situated at Athur Village, Manmangalam Taluk, Karur District and consequently direct the respondents to form Karur ring road at alternative route by considering the petitioner's representation dated 09.01.2023.

For Petitioner : Mr.Sricharan Rangarajan
Senior Counsel
for Mr.J.Senthil Kumariah

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

Heard the learned Senior Counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents.

2. The issue pertains to formation of Karur Ring Road. The Hon'ble Division Bench was seized of the matter in W.P(MD)Nos.12301 of 2017 and 536 of 2019, dated 17.08.2021. Paragraph Nos.30 and 31 of the said order is



particularly relevant. It reads as follows:

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"30. In such view of the matter, this Court is not inclined to strike off G.O.Ms.No.7, Highways and Minor Port Department, dated 10.01.2019, in toto. In fact, this Court is also not inclined to give a green signal to any of the proposals, in view of the passage of time. The earlier alignment was proposed and approved in the year 2014. Seven years have rolled, since this alignment was approved. By the passage of this seven years period, the town would have witnessed several developments. Transport planning should be in such a way to achieve safe, fast comfortable, convenient, economic and environment-friendly movement of people and goods. Therefore, this Court suggests the Government to consider the earlier proposal for ring road, as per G.O.Ms.No.164, dated 18.10.2013, and the revised proposal for approach road, as per G.O.Ms.No.7, dated 10.01.2019, after ascertaining the present day developments in that area.

31. In view of the litigations and the interim orders passed by the Courts, the projects are delayed for years together, which would ultimately escalate the cost of the project. If the Government Orders explain the reasonings for the decision, in detail, probably the litigations would reduce. The reasonings in the note files of the department, to some extent, shall also be incorporated in the Government Orders itself, enabling the common man to understand the object and reasonings of the Government in implementing a project. Transparent governance is the ultimate aim of any



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government. Therefore, this Court suggests the Government to incorporate the reasonings behind the issuance of any Government Orders in such orders itself, so as to achieve the object of transparency and to enable the citizens to know the object of the Government Order and the reasonings for adopting certain course."

3. The contention of the learned Senior Counsel is that without adhering to the mandate set out in the order of the Hon'ble Division Bench, the authorities are attempting to conduct survey and install certain stones in the petition mentioned lands.

4. The learned Special Government Pleader states that only to study the feasibility of forming ring road through the petition mentioned lands, the survey exercise was undertaken. Section 14(2) of the Tamil Nadu Highways Act, 2001 reads as follows:

"14(2) For the purpose of making the survey, taking measurements, levels, boundaries or for making lines, the Highways Authority or its officers or servants may cut down and clear away any standing crops, tree, fence, or jungle or any part thereof and do such other acts as may be necessary in this behalf :

Provided that the Highways Authority or its officers or servants shall not enter any premises, except with the consent of the owner or occupier thereof and after giving such person atleast forty



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eight hours notice in writing of their intention to do so, and if the owner or occupier is not available, record the fact in a notice and affix such notice in the place, before carrying any such work."

The petitioner has not been so far put on notice before entering his land or installing the survey stones.

5. Since the entire process is still at preliminary stage, the respondents are directed to bear in mind the mandate set out in the order dated 17.08.2021 passed by the Hon'ble Division Bench and the requirement set out in Section 14(2) of the Tamil Nadu Highways Act, 2001. With this direction to the respondents to adhere to due process of law, this writ petition stands disposed of. Since without giving notice to the petitioner the survey stones have been installed the respondents are directed to remove the same forthwith without any delay. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

31.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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