



WP(MD)No.11999 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.11999 of 2017
and
WMP(MD)Nos.9233, 14969 of 2017

N.Kalai Selvan

... Petitioner

v.

1.The District Collector,
Pudukottai District.

2.The Project Manager,
NH 226 Manamadurai Perambalur Road,
Office at Subramaniapuram,
Karaikudi, Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the respondents from in any way blocking the ingress and egress of the petitioner's patta lands S.Nos. 45/1 & 45/2 measuring 0.79.5 Hectares and 2.17.5 Hectares of land respectively in Old Gandarvakkottai Village, Pudukottai District to the public road.



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For Petitioner : Mr.Ram Sundar Vijayaraj

For Respondents : Mr.M.Sarangan,
Additional Government Pleader
for R.1

Mr.C.Arul Vadivel @ Sekar,
Senior Counsel
for Mr.S.Sankarapandian
for R.2

ORDER

This writ petition is filed for a mandamus forbearing the respondents from in any way blocking the ingress and egress of the petitioner's patta land in S.Nos.45/1, 45/2 measuring 0.79.5 Hectares and 2.17.5 Hectares in Old Gandarvakottai Village, Pudukottai District.

2.The case of the petitioner is that he is having a patta land abetting the National Highways at Gandarvakottai and the respondents are constructing a toilet in a toll plaza, which would affect his access to the Highway.

3.Learned Senior Counsel representing the second respondent submitted that the toilet is a mandatory requirement at a toll plaza and



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accordingly, it is being constructed on either sides of the road. If the petitioner is having any grievance that he is not having any access to the Highways, he can approach the authorities under Sections 28 & 29 of Chapter IV and Section 38 of Chapter VI of the Control of National Highways (Land & Traffic) Act, 2002, in the prescribed format and also by paying the necessary fee.

4.He further submitted that certain guidelines have been framed by the Ministry of Road Transport & Highways for the access permission to properties along National Highways, which is usefully extracted as under:-

“II. Guidelines for access permission to properties (excluding fuel stations) along National Highways:-

... ..

1. For Other Properties (OPs):-

(i) There shall be no direct access to the National Highway. The access shall be through the service road (which term will include deceleration and acceleration lanes) in case of both Rural and Urban reaches.

(ii) If the land for Acceleration Lane, Deceleration Lane & Service Road is available in ROW, the land will be provided



for their construction; otherwise land be provided / acquired by the concerned organization, owner of OP seeking the access permission.

(iii) The service road shall be constructed and maintained by the concerned organization / owner of OP seeking the access permission.

(iv) Fee as specified by the Government shall be paid by the property owner for access permission.

(v) The service road (excluding deceleration and acceleration lanes) shall have a minimum length equal to the plot length of concerned property along the National Highway. No access connection shall be allowed on deceleration and acceleration lanes. Where the concerned property is near junction / median opening etc., the length of the service road shall be increased appropriately.

(vi) The location & layout, road signs & markings requirements for access permission for OPs in Urban & Rural reaches are specified in Annex I.

2. For Residential Properties (RPs):-

(i) As far as possible, in Urban / Built up reaches there shall be no direct access to the National Highway; the access be through service road only.



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(ii) The service road in existing Built up reaches in Urban / Rural reaches may be constructed by the Highway Authority, subject to availability of funds.

(iii) In rural reaches the direct access can be granted.

(iv) The location & layout, road signs & markings for access permission for RPs in Urban & Rural reaches are specified in Annex I.”

5.Considering the submissions made by the learned Senior Counsel representing the National Highways Authority, this writ petition stands disposed of with a direction to the petitioner to approach the second respondent as per Sections 28 & 29 of Chapter IV and Section 38 of Chapter VI of the Control of National Highways (Land & Traffic) Act, 2002, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall consider the case of the petitioner, on the guidelines issued by the Ministry of Road Transport & Highways, after affording him due opportunity of hearing, within a further period of four weeks therefrom. Till such time, the order of *status-quo* granted by this Court on 29.06.2017 shall remain intact.



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WEB COPY There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
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To

The District Collector,
Pudukottai District.



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B.PUGALENDHI, J.

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