



WEB COPY



W.P.No.1628 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA ,
CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.1628 of 2021

Dr.S.R.S.Saravanan

.. Petitioner

Versus

1. Union of India,
Ministry of Road Transport and Highways,
Rep. by its Secretary,
Transport Bhawan,
No.1, Parliament Street,
New Delhi - 110 001.
2. National Highways Authority of India,
Rep. by its Chairman,
Room No.209,
G-5 & 6, Sector - 10,
Dwarka,
New Delhi - 110075.
3. Archaeological Survey of India,
Rep. by its Director General,
Dharohar Bhawan,
No.24, Tilak Marg,
New Delhi - 110 001.
4. The State of Tamil Nadu,



W.P.No.1628 of 2021

WEB COPY

Rep. by its Additional Chief Secretary to Government,
Tourism, Culture and Religious Endowment Department,
Fort St. George,
Chennai - 600 009.

5. The Principal Secretary and Commissioner,
Department of Archeology,
Fort St. George,
Chennai - 600 009.

6. The Secretary,
Revenue Department,
Fort St. George,
Chennai - 600 009.

7. The Secretary,
Department of Municipal Administration and Water Supply,
Fort St. George,
Chennai - 600 009.

8. The Principal Secretary,
Highways and Minor Ports Department,
Fort St. George,
Chennai - 600 009.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus forbearing the respondents, their authorities or anyone on their behalf from laying roads on the Highways, Roads, Streets, Lanes or any toppings on the Public Movement areas without removing / scraping the existing layer of the road and further direct the respondents to ensure strictly that the roads are laid within the existing level in the State of Tamil Nadu.

For Petitioner : Ms.Karthika Ashok,
for Mr.J.Ashok



W.P.No.1628 of 2021

WEB COPY

For Respondents : Mr.V.Chandrasekaran, for R1

: Mr.Su.Srinivasan, for R2

: Mr.G.Karthikeyan, for R3

: Mr.A.Edwin Prabakar,
State Government Pleader ,
for RR-4 to 8

ORDER

(Order of the Court is made by the Hon'ble Chief Justice)

Heard Ms.Karthika Ashok, learned Counsel appearing on behalf of Mr.J.Ashok, learned Counsel for the petitioner; Mr.V.Chandrasekaran, learned Counsel for the first respondent; Mr.Su.Srinivasan, learned Counsel for the second respondent; Mr.G.Karthikeyan, learned Counsel for the third respondent; Mr.A.Edwin Prabakar, learned State Government Pleader for the respondent Nos.4 to 8.

2. The contention of the learned Counsel for the petitioner is that while laying roads on highways, streets and lanes, the respondents do not scrap the existing layer and because of which, many hazards have to be faced by the citizens.



W.P.No.1628 of 2021

WEB COPY

3. In our order, dated 19.01.2024 in W.P.No.13666 of 2020, we had recorded a statement that a circular has been issued by the Chief Secretary, Government of Tamil Nadu, directing that whenever roads are laid, proper milling should be done so that height of the roads does not increase.

4. The circular is already issued by the Chief Secretary, Government of Tamil Nadu. All the concerned persons responsible for maintenance and construction of the roads shall abide by the circular and ensure that proper milling / scraping of the layers would be undertaken before laying down the roads.

5. This Writ Petition, as such, is disposed of. There shall be no order as to costs. Consequently, W.M.P.No.1844 of 2021 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

31.01.2024

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

grs

To



W.P.No.1628 of 2021

1. The Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan,
No.1, Parliament Street,
New Delhi - 110 001.
2. The Chairman,
National Highways Authority of India,
Room No.209,
G-5 & 6, Sector - 10,
Dwarka,
New Delhi - 110075.
3. The Director General,
Archaeological Survey of India,
Dharohar Bhawan,
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4. The Additional Chief Secretary to Government,
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6. The Secretary,
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7. The Secretary,
Department of Municipal Administration and Water Supply,
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W.P.No.1628 of 2021

WEB COPY

8. The Principal Secretary,
Highways and Minor Ports Department,
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WEB COPY



W.P.No.1628 of 2021

**THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.**

grs

W.P.No.1628 of 2021

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