



WEB COPY

W.P.No.16111 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16111 of 2020

S.Dinakaran

... Petitioner

Vs.

1.The District Collector,
Ranipet District, Ranipet Town.

2.The Project Director,
National Highways Authority of India,
Krishnagiri-Wallaja Road (NH-48),
Krishnagiri.

3.The Director,
Christian Medical College & Hospital,
IDA Scudder Road,
Vellore – 632 004.

(R3 impleaded as per Order dt.
24.01.2024 made in W.M.P.No.1019 of 2021
in W.P.No.16111 of 2020 by SMSJ)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to reduce and restrict the height of the Drainage walls to the level of service road i.e. within the height of one feet on the northern side of the petitioner's lands comprised in Survey Nos.313/2G and 314/1B1B measuring to an extent of 0.75 cents,



situated at Poottuthakku Village and Post, Wallaja Taluk, now Ranipet District, previously Vellore District, which lies on the Southern side of the National Highway (NH-48) Road within the Signage No.130/450.

For Petitioner	: Mr.K.Premkumar
For R1	: Mr.G.Krishnaraja Additional Government Pleader
For R2	: Mr.Su.Srinivasan
For R3	: Ms.Ishwarya for M/s.S.Ramasubramaniam & Associates

ORDER

The relief sought for in the present writ petition is to direct the 2nd respondent/National Highways Authority of India (NHAI) to reduce and restrict the height of the drainage walls to the level of Service Road.

2. The petitioner is the owner of the lands comprised in Survey Nos.313/2G and 314/1B1B measuring to an extent of 0.75 cents situated at Ranipet District.

3. The subject property has been situated at Southern side of the National Highway (NH-48 Road). The Road Development Project has been implemented by the National Highways Authority of India. The National



Highways Authorities have proposed to construct drainage walls over and above the service road and in the event of any such construction, the petitioner may not be in a position to protect his agricultural lands situated adjacent to the National Highways Road.

4. The National Highway Projects are being implemented based on the plan approval and such projects are implemented after conducting research by the NHAI.

5. High Court not being an expert body cannot interfere with such National Highway Projects for the purpose of issuing direction to align or realign the road projects which would cause prejudice to the public interest. In these aspects, prevention of accidents, safety and security of the road users and the vehicles plying on the National Highways are to be taken into consideration and therefore, the relief as such sought for in the present writ petition cannot be granted.

6. If at all, any grievance exists, the petitioner is at liberty to approach the Authorities of the National Highways for the purpose of finding



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out solution to redress the grievance. However, the High Court cannot issue any direction to realign or reduce the height of the drainage walls as such prayed for by the petitioner in the writ proceedings. Accordingly, the writ petition stands dismissed. No costs.

24.01.2024

veda

Index : Yes / No

Speaking order / Non-Speaking Order

Neutral Citation : Yes / No

To

- 1.The District Collector,
Ranipet District, Ranipet Town.
- 2.The Project Director,
National Highways Authority of India,
Krishnagiri-Wallaja Road (NH-48),
Krishnagiri.



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S.M.SUBRAMANIAM, J.

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24.01.2024
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