



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-02-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.229 of 2021

S.K.Imran

.. Petitioner

-VS-

- 1.The District Collector,
Chengalpattu District.
- 2.The Director General,
State Highways Department,
No.76, Sardar Patel Road,
Guindy,
Chennai-600 032.
- 3.The Commissioner,
Sembakkam Municipality,
No.178, Velachery Main Road,
Sembakkam,
Chennai-600 073.
[R-3 is merged with Tambaram Corporation
and hence amended]



4.The Inspector of Police,
Selaiyur Police Station,
Chennai.

5.The Chief Engineer,
State Highways Department,
No.76, Sardar Patel Road,
Guindy,
Chennai-600 032.

6.The Commissioner of Police,
Greater Chennai Corporation,
Vepery,
Chennai-600 007.

7.The Commissioner of Police,
Tambaram City,
Tambaram,
Chennai-600 045.

[R-5 to R-7 suo motu impleaded as
respondents vide order of Court
dated 02.02.2024 made in WP 229 of 2021] .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India
praying for the issuance of a Writ of Mandamus, directing the first, second
and fourth respondents to consider the petitioner's representation dated
08.12.2020 for issuing no objection certificate to fix name board of
'VAIKARAI OTTUNAR THOZHIRSANGAM'.



For Petitioner : Mr.S.Mohamed Ansar

For Respondents-1,2,4,5
6 and 7 : Mr.P.Bala Thandayutham,
Special Government Pleader.

For Respondent-3 : Mr.P.Srinivas,
Standing Counsel.

ORDER

The relief sought for in the present writ petition is to direct the respondents 1, 2 and 4 to consider the representation submitted by the writ petitioner on 08.12.2020 for issuing 'No Objection Certificate' to fix the Name Board of the petitioner-Sangam, namely, 'VAIKARAI OTTUNAR THOZHIRSANGAM'.

2. This Court suo motu impleaded respondents 5, 6 and 7 and the learned Special Government Pleader takes notice for them.

3. The third respondent is now merged with Tambaram Corporation.



4. The petitioner states that he is the President of 'VAIKARAI OTTUNAR THOZHIRSANGAM'. The Union was established and registered on 31.07.2020 on the file of the Additional Registrar of Trade Union-II, Chennai. The members of the petitioner's Union are Auto and Car drivers. In order to fix a Name Board in the Auto Stand situated at the entrance of Masoodhi Colony, near Jallikattu Textile Shop, Kamarajapuram, Sembakkam, Chennai, an application was submitted by the petitioner, seeking 'No Objection Certificate'. The Authorities have not considered the application submitted by the petitioner. Thus, the present writ petition came to be instituted.

5. Today Mr.S.Ramesh, Assistant Divisional Engineer, Highways Department, Velachery Sub Division, Chennai-600 042 is present before this Court and made a submission that actions are taken to acquire the lands adjacent to State Highways properties from Velacherry to Tambaram for road expansion projects, so as to provide free access to the commuters/road users. Regarding few stretches, the compensation amount has been deposited and in respect of other locations, actions are in progress.



6. At the outset, the Assistant Divisional Engineer, would submit that action are initiated expeditiously as possible, so as to ensure free access to the vehicles plying in that road and the road users.

7. The present writ petitioner has been filed seeking permission to fix the name board of the petitioner in the Highways property. The petitioner would submit that many such name boards have already been fixed in that road and more so, many shopkeepers have also fixed boards on the highways property with projections. Therefore, petitioner also may permitted to fix their name board for the benefit of the use of autos / taxis in that locality.

8. High Court passed several orders and issued directions to the State Highways Authorities to ensure the roads are kept without any such encroachments for the benefits of the commuters / road users and for free flow of traffic. The encroachments and sign boards projecting in the highways properties are resulting many accidents and even the commuters are unable to use the pathway peacefully. The vehicle traffic is also causing



greater concern to the road users. The Highways Authorities are duty bound to initiate action under Section 28 of the Tamil Nadu Highways Act, 2001 for the purpose of evicting all such encroachments of the Highways property, more specifically, in State Highways Road.

9. Failure or omission on the part of the Highways Authorities are to be viewed seriously. Omission, lapses, dereliction of duty to comply with the provisions of the Highways Act is also a negligence and misconduct. Thus, the authorities committing such commissions and omissions are liable for departmental actions and for prosecution. In the event of accidents on account of such encroachments and projections of boards in Highways Roads, the Highways Authorities also must be held liable for such accidents resulting in death or injuries or causing hardship or inconvenience to the road users. The Highways Authorities cannot shirk their responsibility from implementing the provisions of the Highways Act scrupulously. Though the Assistant Divisional Engineer, Velacherry would submit that the actions are initiated, the menace of encroachments of the Highways Road are continuing at the instance of few greedy men / traders and with the assistance of the local politicians. All such illegal installations



are to be dismantled by exercising the powers conferred under the Highways Act and Rules framed thereunder.

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10. It is not in dispute between the parties that lot of encroachments from Velacherry to Tambaram State Highways are resulting greater hardship to the road users and obstructing free vehicular traffic for which the competent authorities of all the departments are responsible and accountable. The Assistant Divisional Engineer expressed certain difficulties in removing such encroachments on account of certain external forces. Therefore, it is necessary to implead the Chief Engineer, State Highways Department, The Commissioner of Police, Chennai and The Commissioner of Police, Tambaram City for the purpose of effective implementation of the Highways Act to remove the encroachments and to provide free access to the commuters / road users, who all are using the stretch from Velacherry to Tambaram.

11. Thus, the above authorities are *suo-motu* impleaded as respondents in this writ petition and the learned Special Government Pleader takes notice on behalf of all these respondents.



12. For removal of encroachments and to dismantle the unauthorised constructions, erection of status, sign boards, flag poles, etc, the Chennai Corporation, Tambaram Corporation, Highways Authorities with the assistance of the Police Department has to initiate effective actions. Accordingly, the respondents are directed to remove all the illegal name boards, sign boards, encroachments in the State Highways properties from Velacherry to Tambaram within a period of three (3) months from the date of receipt of a copy of this order. Therefore, the relief as such sought for by the writ petitioner seeking permissible to fix the name board in the State Highways Property stands rejected.

With the above directions, the present writ petition stands disposed of. However, there shall be no order as to costs.

02-02-2024

Index : Yes
Internet: Yes
Speaking order
Neutral Citation : Yes
Svn/Jeni



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