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W.P.No.8469 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM :

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.8469 of 2017

S.Selvam

.. Petitioner

Vs

- 1.Union of India,
rep. by its Special Secretary,
Ministry of Road Transport and Highways,
Parivahan Bhavan,
No.1, Sansad Marg,
New Delhi-11001.
- 2.The Regional Officer,
Ministry of Road Transport & Highways,
Government of India,
C-1-A, Rajaji Bhavan,
Besant Nagar, Chennai-600 090.
- 3.The Deputy General Manager (Tech) & Project Director,
National Highways Authority of India,
Project Implementation Unit – Chennai,
SRI Towers, 3rd Floor, DP 34 (SP),
Industrial Estate,
Guindy, Chennai-600 032.



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4.The District Collector,
Thiruvallur District,
Thiruvallur.

5.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

6.M/s.Bharat Petroleum Corporation Ltd.,
rep. by its Territory Manager (Retail),
No.35, Vaidyanathan Street,
Tondiarpet, Chennai-600 081.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 5 consider the representation of the petitioner dated 10.03.2017 and pass orders in accordance with law and consequently forbear the respondents 2 to 6 from proceeding with the construction of petrol bunk in Survey No.50/3A, 50/4, 51/2 & 51/4 of Verkadu Village, Gummidipoondi Taluk, Tiruvallur District which is in violation of guidelines issued by the first respondent.

For the Petitioner : Mr.R.Sivakumar
for M/s.K.M.Vijayan Associates

For the Respondents : Mr.B.Sudhirkumar
Sr. Panel Counsel
for respondent Nos.1 and 2

: Mrs.S.R.Sumathy
for respondent No.3



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: Mr.Karthik Jagannath
Government Advocate
for respondent Nos.4 and 5

: Mr.M.Vijayan
for M/s.King & Partridge
for respondent No.6

ORDER

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

This writ petition has been filed by the petitioner for issuance of a writ of mandamus directing respondents 1 to 5 to consider his representation dated 10.3.2017 and consequently forbear respondents 2 to 6 from proceeding with the construction of the petrol bunk in Survey Nos.50/3A, 50/4, 51/2 & 51/4 of Verkadu Village, Gummidipoondi Taluk, Tiruvallur District.

2. The grievance of the petitioner in the present writ petition is that in order to safeguard the sixth respondent's petrol bunk, the respondent authorities closed the open link which connects Gummidipoondi State Highway and Chennai-Kolkatta National Highway. Due to the closure of the said open link, heavy vehicles,



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light vehicles and two wheelers are forced to travel in the 7 meter width service lane for a distance of 5 kilometers. No reason has been assigned for closure of the said open link on one side of the road.

3. On 18.10.2023, this Court passed the following order:

"It is stated in para 8 of the affidavit filed by respondent Nos.1 and 2 as under:

"... The opening in the separator between the main carriageway and service road at Km 41/710 is of temporary nature, provided in view of non-completion of certain balance work. Once the balance works are completed in the project stretch, the above said opening will be closed. As such the closure of said open link is not to favour the 6th respondent as alleged by the petitioner."

The learned counsel for the respondents 1 and 2 seeks time to get instructions as to whether the said opening is closed.

Place the matter on 27.11.2023."

4. Today, when the writ petition is taken up for hearing, Mrs.S.R.Sumathy, learned counsel appearing for the third respondent, by placing on record the counter-affidavit/status report, submitted that the temporary separator opening between main carriageway and



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service road at Km.41/710 RHS has been closed as the construction works are completed.

5. In paragraph 7 of the status report, it has been stated as under:

"7. It is respectfully submitted that the temporary separator opening between Main Carriageway and Service Road at Km.41/710 RHS has been closed as the construction works are completed."

6. In view of the status report filed by the third respondent, nothing remains to be adjudicated in this writ petition. Accordingly, the writ petition is disposed of. If the petitioner has any other grievance, he is at liberty to approach the authorities concerned for redressal. There shall be no order as to costs. Consequently, W.M.P.Nos.9265, 9266 and 12400 of 2017 are closed.

(R.M.D., ACJ.) (M.S.Q., J.)
04.06.2024

Index : Yes/No
NC : Yes/No
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To:

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