



W.P.No.28523 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 28523 of 2022

and

W.M.P.No.27833 of 2022

Velmurugan

.... Petitioner

Vs

1. The Chief Engineer,
National Highway,
Chennai – 600 025.

2. Project Director,
National Highway,
Authority of India (NHAI),
Thanjavur,
Tamil Nadu.

3. Special Tahsildar,
NH 45C, Sethiathope,
Cuddalore.

4. The District Collector,
Cuddalore, Cuddalore Taluk,
Cuddalore District.

5. The Tahsildar,
Shrimushnam,
Cuddalore District.

.... Respondents



W.P.No.28523 of 2022

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus directing the respondent 1 to 3 to construct the underpass over bridge at Vattathur 4 way junction in NH-45C (National Highway – Vikravandi to Thanjavur) with the vertical clearance not less than 5.5 meters as prescribed by the Indian Road Congress Standard (IRC Standard) as well as the tentative guidelines for granting permission for transporting industrial products/raw material across the National Highways issued by the Government of India under the Ministry of Road Transport and Highways, by considering the petitioner's request as well as the drafted proposal of the 5th respondent and consequently direct the respondents to ensure that the said construction of underpass over bridge should be with the minimum vertical clearance of 5.5 meters for the movement of all classes of vehicles.

For Petitioner	: Mr.P.R.Thiruneelakandan
For R1 & R2	: Mr.Su.Srinivasan Standing Counsel
For R3 to R5	: Mr.Yogesh Kannadasan Special Government Pleader

ORDER

This Writ Petition has been filed for a direction directing the respondent 1 to 3 to construct the underpass over bridge at Vattathur 4 way junction in NH-45C (National Highway – Vikravandi to Thanjavur) with the vertical clearance not less than 5.5 meters as prescribed by the



W.P.No.28523 of 2022

WEB COPY

Indian Road Congress Standard (IRC Standard) as well as the tentative guidelines for granting permission for transporting industrial products/raw material across the National Highways issued by the Government of India under the Ministry of Road Transport and Highways, by considering the petitioner's request as well as the drafted proposal of the 5th respondent and consequently direct the respondents to ensure that the said construction of underpass over bridge should be with the minimum vertical clearance of 5.5 meters for the movement of all classes of vehicles.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. It is seen that for the similar issue, the petitioner had also filed Public Interest Litigation in W.P.No.35251 of 2022. The Hon'ble Division Bench of this Court, by an order dated 23.04.2024, disposed of the said writ petition with an observation that as per the decision taken by the experts, it will not be possible to substitute their own view for the views of the experts and it is for the respondents to consider the feasibility, security and safety while constructing the underpass and/or aligning of the road.



W.P.No.28523 of 2022

WEB COPY

4. In view of the categorical finding rendered by the Division Bench, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

27.06.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
Lpp

To

1. The Chief Engineer,
National Highway,
Chennai – 600 025.

2. Project Director,
National Highway,
Authority of India (NHAI),
Thanjavur,
Tamil Nadu.

3. Special Tahsildar,
NH 45C, Sethiathope,
Cuddalore.

4. The District Collector,
Cuddalore, Cuddalore Taluk,
Cuddalore District.



W.P.No.28523 of 2022

5. The Tahsildar,
Shrimushnam,
Cuddalore District.



WEB COPY



W.P.No.28523 of 2022

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.28523 of 2022

27.06.2024