



W.P.No.31841 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.31841 of 2024

A.R.Parvathy Rajmani

..... Petitioner

Vs.

1.The District Collector,
District Collectorate Building,
Ranipet Taluk and District.
Pincode – 632 401.

2.The Project Directory,
National Highway Authority of India,
(Ministry of Road Transport and Highways,
(Government of India),
Plot No.20, 1st Floor,
Pallavan Nagar Main Road, Maduravoyal,
Chennai – 600 095.

3.The Superintendent of Police,
District Police Office,
Ranipet District – 632 401.

4.The Regional Officer,
National Highway Authority of India,
Chennai – 600 032.



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5.The Team Leader,
M/s.SA Infrastructure Consultants Private Limited,
Kanchipuram – 631 501.

6.The Tahsildar,
Taluk Office,
Ranipet District – 632 401.

7.The Competent Authority and
Special District Revenue Officer,
Vellore Taluk and District – 632 001.

..... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to consider her representation letter dated 19.08.2024 in order to implement the scheme of laying LVUP (light Vehicle Under Pass) on the behalf of local village person situated in Aavalur Village Panchayat, Kaveribakkam Rural, Nemili Taluk, Ranipet District – 632 531.

For Petitioner : Mr.M.Devaraj

For Respondents :Mr.S.Balamurugan
Government Advocate
for R1, R6 and R7
Ms.S.R.Sumathi
Standing Counsel for R2
Mr.L.Baskaran
Government Advocate for R3



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ORDER

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The petitioner seeks a direction to the second respondent to consider his representation dated 19.08.2024 to construct a Light Vehicle Under Pass near the Aavalur Village Panchayat, Kaveripakkam Rural, Nemili Taluk, Ranipet District.

2. It is the case of the petitioner that the Aavalur Village has got a population of nearly 12,000 people and situated adjacent to Karaipettai to Walajahpet section of National Highway No.4. It is stated by the petitioner that the local residents of the village face severe hardship while crossing the National Highways Road as there is no Light Vehicle Under Pass or flyover. It is also stated that persons carrying the human corpse rearing domestic animals such as cattle, goat were unable to cross the national high way, in the absence of any flyover or Under Pass. Therefore, the petitioner submitted a representation before the respondents seeking construction of Light Vehicle Under Pass near Aavalur Village in the above mentioned section of the National High Ways and the same has not considered, hence, the petitioner has come before this Court.



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3. The National Highways Authority/second respondent herein

filed a counter stating that 17 Intersections/junctions have been identified as the Major Intersections between Karaipettai and Walajahpet section NH-4 for the purpose of construction of Under pass Vehicle/Light Vehicle Underpass/Flyover.

4. It is further stated in the counter that one Vehicle Underpass is provided at Km 87+544 (Perumbulipakkam/Poigainallur) Junction at a distance of 1.581 Km from the requested location. It is further stated that one Light Vehicle Underpass is available at Km 90/082 (Kalathur Junction) at a distance of 0.95 Km from the requested location towards Bangalore side. It is further stated it may not be possible to have any Light Vehicle Underpass in the requested location which is situated less than 2km distance from the above said vehicle under pass at Km 87+544 and light vehicle under pass at Km 90/082. It is also stated inter connecting service roads of 7 meters on both sides between the above two under passes have also been planned and completed except for 250 meters in requested location, where the work could not be taken up due to protest from petitioner.



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5. It is also stated in the counter affidavit that there is a proposal for the construction of Foot Over Bridge at Km 89/120 to enable the pedestrians to cross the National Highways in the requested location. Therefore, it is the case of the second respondent that construction of Light Vehicle Underpass in the requested location near Avalur Village is not feasible.

6. The decision taken by the second respondent with regard to the construction of Vehicle Underpass at Km 87+544 and Light Vehicle Underpass at Km 90/082 was based on the technical report filed by the Competent experts. This Court is not an expert to substitute the decision taken by the second respondent based on expert opinion with regard to alignment of the project.

7. In such circumstances, this Court is not inclined to issue any direction to the respondents to construct the Light Vehicle Underpass in the requested location.



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8. Accordingly, this writ petition stands dismissed. No costs.

20.11.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

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