



W.P(MD)No.7443 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD).No.7443 of 2024

and

W.M.P(MD).No.6839 and 6840 of 2024

- 1.A. Karthik
2. Pasupathi Ramkumar,
3. S.M.Theepak

... Petitioners

Vs

1. The General Manager and Regional Officer,  
Chennai National Highways Authority of India,  
Sri Tower, 3rd Floor,  
D P - 34, Sp Industrial Estate,  
Guindy, Chennai - 600 032.

2. The Divisional Engineer,  
National Highways - Madurai Division,  
No.5, Race Course Road,  
Chinna Chokkikulam,  
Madurai - 625 002.

3. The Assistant Divisional Engineer,  
National Highways - Theni Division,  
No.4, Kasturi Street,  
NRT Nagar,  
Theni - 625 531.

... Respondents



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**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from erecting / constructing the overhead pathway bridge before the petitioners' properties situated in Survey Nos.1426/2A, 2B and 2C, 1437/3C1, 1438/3A, 4A and 4B Veerapandi Village at NH 183.

For Petitioners : Mr.S.S.Swaminathan

For Respondents : Mr.T.Vilavankodhai

Additional Government Pleader

**ORDER**

Heard both sides.

2. The petitioners want this Court to forbear the respondents from putting up the forehead pathway bridge in front of their properties. The petitioners have their house on the western side and the agricultural lands on the eastern side. In fact, they are located virtually opposite to each other. Madurai-Kochin National Highway passes in between. There is an aided school located on the southern side of the agricultural lands. The grievance of the petitioners is that FOB proposed to be put up by the respondents would



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come in front of their house as well as their agricultural lands and thereby, block their access.

3. The learned Counsel appearing for the petitioners produced photographs and also took me through the averments setout in the affidavit filed in support of this petition.

4. I called upon the respondents to file an affidavit to the effect that the access rights of the petitioners would be duly protected. Pursuant to the direction given by this Court, the second respondent has filed an affidavit.

Paragraph No.11 of the affidavit reads as follows:

*'11.From the aforesaid facts and circumstances it is very clear the said project has been planned purely for the benefit of the school children and for the general public who may use the FOB for having accident free access to the hospital which is located in the same line of the petition mentioned house of the petitioner. Moreover, it is assured that no access for the petition mentioned properties be interrupted by constructing this FOB.'*

5. The learned Counsel appearing for the petitioners submit that their agricultural lands have been erroneously projected as school play ground in the sketch filed by the respondents.



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6. This is only mis-description and much need not be made out of it. It appears that there is a memorial constructed inside the agricultural lands, which has also been compounded.

7. When the respondents are not proposing to acquire the petitioners' lands, the Writ Court may not be in a position to go into such micro details. When the respondents have made a broad statement before this Court that FOB will be constructed in such a manner as not to block the pathway rights of the petitioners, this Court cannot interfere further in the matter.

8. Recording the stand of the respondents as set out in their affidavit, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

**27.03.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
LR



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**G.R.SWAMINATHAN, J.**

LR

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