



W.P(MD)No.8447 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P(MD)No.8447 of 2024

Athi.Ela.Arivudai Nambi

... Petitioner

VS.

- 1.The Additional Chief Secretary,
Government of Tamil Nadu,
Highways and Minor Ports Department,
Chennai – 600 009.
- 2.The District Collector,
District Collector Office,
Thanjavur,
Thanjavur District.
- 3.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Thanjavur Division,
Thanjavur.
- 4.The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Thanjavur Division,
Thanjavur.



W.P(MD)No.8447 of 2024

WEB C

5.The Managing Director,
RR INFRA Construction,
No.478, Melur,
Vinayaga Nagar,
Madurai District – 625 020.

6.R.Balasundaram

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to consider the petitioner's representation, dated 16.03.2024 and consequently to complete the incomplete work particularly in the place of in between Anna Nagar to Bye Pass Road measuring to an extent of 2.400 kilometers in order to allotted to the Major District Road, Thanjavur-Karambakudy, Seathambalpuram Road (M 705), Length in this division (in km) 30.800 and take appropriate action against the respondent Nos.3 to 6 for swindling amount and for non completion of work.

For Petitioner

: Mr.K.Prabakaran

For Respondent Nos.1 to 4

: Mr.Veera Kathiravan
Additional Advocate General-III
Assisted by
Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for herein is to direct the respondents 1 and 2 to consider the petitioner's representation, dated 16.03.2024 and

2/7



W.P(MD)No.8447 of 2024

WEB COPY

consequently to complete the incomplete work, particularly in the place of in between Anna Nagar to Bye Pass Road measuring to an extent of 2.400 kilometers in order to allotted to the Major District Road, Thanjavur-Karambakudy, Seathambalpuram Road (M 705), Length in this division (in km) 30.800 and take appropriate action against the respondent Nos.3 to 6 for swindling amount and for non-completion of work.

2.Heard the learned counsel appearing for the petitioner and Mr.Veera Kathiravan, learned Additional Advocate General appearing for the respondents 1 to 4.

3.Though there has been allegation made by the petitioner that the road construction in particular extent, to the extent of 2.400 kilometers in Thanjavur-Karambakudy, Seathambalpuram Road, there has been deficiency in completing the construction of the road work, those allegation have been stoutly denied and repudiated by the Divisional Engineer Highways (C & M), Thanjavur, who has given a written instruction, dated 02.04.2024, where inter alia the Divisional Engineer has stated the following:



W.P(MD)No.8447 of 2024

WEB COPY

'The works were started as early as 25.02.2021. The works were executed with due care and with strict emphasis on the Quality and Quantities as stipulated by the Codal Provisions, Preliminary Specifications to Specifications for Roads and Bridge works, Guidelines of Indian Roads Congress and other circulars and instruction governing the execution of works in vogue.

As against the allegations raised in the Writ Petition, the length of Drain, center median and footpath with SS Hand rails were executed in accordance with the sanctioned estimates to suit the Site Conditions.

The work stretch in Km 0/0-2/4 is entirely in commercial corridor in Thanjavur town and the works were completed to satisfaction on 20.10.2022 and upon such completion of Initial rectification works on 03.11.2022 and after inspection of the Site, Sectional completion certificate was also issued by the Superintending Engineer(H) C&M, Trichy vide Memo No.TRP-32/2020-21/DO-1 dated 03.11.2022.

The works were executed with due care of the officials with no compromise in Quality, properly widened and is now put to use for the Public for almost one and a half years as of now, and no complaints with regard to the allegations cited were recorded as on date. It is also to be noted that there is no occurrence of Fatal or Non-Fatal accidents due to Road Geometry and there is no event of water stagnation during heavy monsoon seasons. Hence the Writ Petition is devoid of merits and is liable to be set aside.'



W.P(MD)No.8447 of 2024

WEB COPY

4.Relying upon these written instructions, the learned Additional Advocate General would contend that the road has been constructed as per the norms, as per the estimate and the plan, which has been executed and the work has been completed on 03.11.2022.

5.When that being so, neither this Court nor the petitioner is an expert to express any opinion about the allegation that has been made by the petitioner that the road has not been constructed properly, this kind of allegation without any substantiating materials cannot be entertained by this Court in the name of PIL and therefore, the prayer sought for in this Writ Petition cannot be granted. Accordingly, this Writ Petition is liable to be dismissed and hence, it is dismissed. However, there shall be no order as to costs.

[R.S.K.,J.] [G.A.M.,J.]
03.04.2024

NCC : Yes / No
Index : Yes / No
ps



W.P(MD)No.8447 of 2024

WEB COPY

To

- 1.The Additional Chief Secretary,
Government of Tamil Nadu,
Highways and Minor Ports Department,
Chennai – 600 009.
- 2.The District Collector,
District Collector Office,
Thanjavur,
Thanjavur District.
- 3.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Thanjavur Division,
Thanjavur.
- 4.The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Thanjavur Division,
Thanjavur.



WEB COPY



W.P(MD)No.8447 of 2024

R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

ps

ORDER MADE IN
W.P(MD)No.8447 of 2024

DATED : 03.04.2024