



W.P(MD)No.11393 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2024

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE G.ILANGO VAN**

W.P(MD)No.11393 of 2015
and
M.P(MD)Nos.1 and 2 of 2015

V.Sundararaj

... Petitioner

Vs.

1.The Project Director,
National Highways Authority of India,
Madurai.

2.The Secretary,
Union of India,
Transport Bhavan,
Transport Department,
No.1, parliament Street,
New Delhi 110011.

3.The Secretary,
State of Tamil Nadu,
Fort St. George,
Secretariat,
Chennai.

4.The District Collector,



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Madurai.

5.The Superintendent of Police,
Madurai District.

6.The Executive Engineer,
National Highways,
Madurai.

7.The Inspector of Police,
Perungudi Police Station,
Madurai District.

8.The Superintending Engineer,
TANGEDCO,
Tuticorin Electricity Distribution
Circle, Madurai.

9.The Executive Engineer,
TWAD Board,
Project Maintenance Division,
Madurai.

.. Respondents

(R-1, the Chairman, NHT is deleted vide
Court order dated 31.10.2017 in
W.M.P(MD)No.15306 of 2017)

(The Project Project Director, NHAI is
incorporated as R-1 vide Court order
dated 31.10.2017 in W.M.P(MD)No.15305
of 2017)

(The respondents 8 & 9 are impleaded vide
order of this Court, dated 26.02.2024, made
in W.M.P(MD)No.628 of 2024)



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PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus by directing the 1st to 4th and 6th respondents to construct a over-bridge in the National Highway NH45B at Valayankulam Junction, Thiruparankundram, Madurai District forthwith.

For Petitioner	: Mr.C.M.Arumugam
For R-1 & R-2	: Mr.S.Sankarapandian for M/s.C.Arul Vadivel Associates
For R-3, R-4 & R-6	: Mr.P.Thilak Kumar, Government Pleader
For R-5 & R-7	: Mr.E.Antony Sahaya Prabhakar, Additional Public Prosecutor

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard the learned counsel for the parties.

2. This writ petition is filed seeking directions for construction of an over-bridge in the National Highway NH45B at Valayankulam Village.

3. The learned counsel for the petitioner relied upon the status report filed by the seventh respondent to submit that 52 accident cases



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have been registered on the file of the Perungudi Police Station which took place at Valayankulam Village four-way Lane and 15 cases are registered for the offence under Section 304(A) of I.P.A. It is further submitted that if there is an over-bridge at Valayankulam Village, the residents of that village will use the tunnel to cross the four-way lane and there will not be any accident at all and the heavy vehicles can use the over-bridge.

4. The status report filed by the respondents 1 and 2 also accepts about the black spot identification at Valayankulam village. It is submitted that the same is under process and in the meantime, the Project Director of Tuticorin, took short-term rectification measures for avoiding accidents and smooth traffic flow in the Valayankulam junction.

5. The decision to construct an over-bridge is a technical one and a subject matter of consideration by Experts. It appears that the details of estimates are also submitted. Some hurdles are mentioned in the status report such as TNEB line crossing and TWAD Board pipe lines.



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6. All the authorities have to work in co-ordination and take steps for the best possible methodology to be adopted to avoid the accidents.

7. It appears that accidents are taking place at the spot in question. In view of that, it is desirable the process be expedited and the decision be taken expeditiously. It is mentioned in the status report of the respondents 1 and 2 that on 14.12.2022, a request was made to the Superintending Engineer, TANGEDCO and the Executive Engineer of TWAD Board, to submit the separate utility shifting estimates and no reply is received from the TANGEDCO and the TWAD Board. There is no impediment for the TANGEDCO and TWAD Board to submit a reply as sought. The assistance of TANGEDCO and TWAD Board would also be required if the TNEB line crossing and the TWAD Board pipe lines are to be removed. All the authorities as such are required to work in unison and take effective steps in the matter.

8. The learned counsel for the respondents 1 and 2, submitted that decision has been taken by the respondents 1 and 2 to construct the underpass. However, the TANGEDCO and TWAD Board did not submit



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the estimates. The TANGEDCO and the TWAD Board shall give the estimates as sought by the respondents 1 and 2, within three months from the date of receipt of this order.

9. We hope and trust that the decision be taken expeditiously and all the stakeholders concerned shall co-operate. The decision shall be taken preferably within a period of six months.

10. With these observations, this writ petition stands disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

(S.V.G., CJ.)

(G.I., J.)

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NCC : Yes/No
Index : Yes/No
PM



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THE HON'BLE CHIEF JUSTICE

and

G.ILANGO VAN, J.

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