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W.P.No.5843 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5843 of 2024
and
W.M.P.No.6473 of 2024

D.Dhanajayan

.. Petitioner

Vs.

- 1.Government of Tamil Nadu,
Rep by Additional Chief Secretary to Government,
Highways and Minor Ports Department,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The District Collector,
Thiruvallur District,
Collector Office Campus,
Thiruvallur – 602 001.
- 3.Chief Engineer (H) National Highways,
Integrated Chief Engineers Office,
HRS Campus, Sardar Patel Road,
Guindy, Chennai – 600 025.
- 4.The Project Director,
Chennai Peripheral Ring Road Project,
No.76, Sardar Patel Road,
CKICP Complex, HRS Campus,
Guindy, Chennai – 600 025.



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5.The Superintending Engineer,
Tamil Nadu Road Infrastructure Development Corporation,
4th Floor, LLA Building,
735, Anna Salai,
Chennai – 600 002.

6.The Divisional Engineer,
Highways Department,
Peripheral Ring Road Project,
LLA Building,
735, Anna Salai,
Chennai – 600 002.

7.The Special District Revenue Officer (LA),
Chennai Peripheral Road Project, Section – III,
Executive Office Building (Ground Floor),
SIDCO Branch Office Complex,
Ambattur Estate,
Chennai – 600 058.

8.The Special Tahsildar,
Unit-IV, CPRR Project,
Periyakuppam,
Thiruvallur – 602 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to provide a vehicular underpass in the proposed peripheral road in Section-II concerning Thiruvallur Bypass to Sriperumbur on NH4(30.10 kms) in existing pathway in S.No.68/2B as sought vide petitioner's representation dated 24.11.2023.

For Petitioner : Mr.Nissar Ahamed



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Senior Counsel
Assisted by
Mr.N.A.Nassir Hussain

For Respondents : Mr.P.S.Raman
Advocate General
Assisted by
Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

The prayer in this writ petition was for a writ of mandamus directing the respondents to provide vehicular underpass in the proposed peripheral road in Section-II concerning Thiruvallur Bypass to Sriperumbur on NH4(30.10 kms) in existing pathway in S.No.68/2B as sought vide petitioner's representation dated 24.11.2023.

2.The grievance of the petitioner arises out of the fact that when his land is acquired for the purpose of formation of the aforesaid bypass road, his agricultural lands are bisected into two and the portions of the land lies on either side of the National Highway. By the very nature in which these National Highways are built, they are from 5 feet to 10 feet higher than the ground level and parties are also not supposed to cross the National Highways. In view thereof, the petitioner filed writ petition with the original prayer of providing



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him a large underpass, by which the laden vehicles can cross the road including the harvester or any other sugarcane laden lorry, can also cross the road by way of underpass so as to reach the other piece of the agricultural land.

3. With that background, when the matter came up for hearing, the learned Senior Counsel appearing for the petitioner as well as the learned Advocate General appearing on behalf of the respondents produced a detailed sketch of the area and submitted that if the parties undertake an inspection, a method can also be suggested for resolving the dispute. With that view, this Court adjourned the matter so that both the parties can inspect the site and can come up with a solution. Today when the matter is taken up for hearing, it is represented by the learned Senior Counsel for the petitioner as well as by the learned Advocate General that the parties are in principle agreeable for the solution that is proposed. After the site inspection, the following is the terms that is agreed to by both sides:

(i) In the southern moiety of the petitioner's land in Survey No.68/2B, an opening in the service road of 8 meters width will be provided for the vehicles to gain access. From the said opening, all the laden and other vehicles can enter



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into the service road and from there, since an underpass is provided at about in a distance of roughly about 500 meters, which it terms as SVUP Underpass @ CPRR CH 48+440 Size (7m X 4m). That would serve the purpose of the petitioner since the petitioner can access the northern moiety of the land by passing through the said Underpass and going through SSTR Road and access to his land.

(ii)The petitioner himself will make arrangements for laying the Kacha Road to make the entry and the respondents will give such help as may be possible for them to erect in proper form, including the speed breakers if any, so that the security is not compromised. Even with reference to the cost and materials to the extent possible, the authorities may help the petitioner.

4.In view thereof, since the grievance of the petitioner is redressed, the matter need not be further adjudicated by this Court.

5.The above said terms is accepted by both sides and the same is recorded and accordingly, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.



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Neutral Citation : No

To

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Rep by Additional Chief Secretary to Government,
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2. The District Collector,
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D.BHARATHA CHAKRAVARTHY, J.

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