



W.P.No.8201 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

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CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**W.P.No.8201 of 2025

PARAMASIVAM HOTEL,
REP. BY KUMAR,
S/O. PARAMASIVAM,
V.MATHUR PALAYAM, KUMALAM POST,
KANDAMANGALAM BLOCK,
VILLUPURAM - 605 107.

... Petitioner

Vs

1. NATIONAL HIGHWAYS AUTHORITY OF INDIA,
(MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS GOVERNMENT OF INDIA),
REP. BY ITS REGIONAL OFFICER,
DGM (TECH), REGIONAL OFFICE,
5TH FLOOR, CMRL BUILDING,
POONAMALLEE HIGH ROAD,
KOYAMBEDU, CHENNAI - 600 107.
2. NATIONAL HIGHWAYS AUTHORITY OF INDIA,
(MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS GOVERNMENT OF INDIA),
REP. BY ITS PROJECT DIRECTOR,
DGM (TECH),
PROJECT IMPLEMENTATION UNIT – CHENGALPATTU,
NO.47/8A, 2/285,
VELACHERY - TAMBARAM MAIN ROAD,
SATHOSAPURAM, MEDAVAKKAM,
CHENNAI,
CHENGALPATTU DISTRICT,
TAMIL NADU - 600 073.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the



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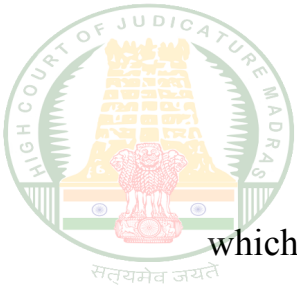
issuance of Writ of Mandamus, directing the first and second respondents to extend the license period from actual commencement period from 27.05.2024 to 27.05.2025 instead of contract agreement of License period from 27.12.2023 to 27.12.2024 for NHAI – PIU, Chengalpattu Operation and Maintenance of two No's of Nest Mini's at Athur Toll Plaza on Tambaram to Tindivanam Section of NH-45 from Km 103/220(LHS) to Km.102/840 (RHS) excluding maintenance of toilets in the state of Tamil Nadu.

For Petitioner : Mr.J.Milton Arul Rajendran
For R1 & R2 : Mr.Su.Srinivasan
Standing Counsel

ORDER

This writ petition is filed for a writ of mandamus to extend the license period from the actual commencement date of 27.05.2024 to 27.05.2025, instead of the contract agreement license period from 27.12.2023 to 27.12.2024.

2. The case of the writ petitioner is that, even though he was licensed to occupy the premises from 27.12.2023, there were difficulties in actually commencing his business, including encroachments. Even the toilet blocks were constructed only belatedly. Therefore, since he is still continuing his business, he requests the authorities to extend the period until 27.05.2025,



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which would amount to one year from the date on which he actually began his business.

3. When the matter came up for hearing, the learned Standing counsel appearing on behalf of the National Highways Authority of India submitted that the premises were ready even as on the date of the license period and the petitioner was put into possession. It was due to his own delay that he did not occupy the premises immediately. The encroachments were not on his premises but on the highway margins, which were subsequently removed. Only due to the time taken in finalizing the subsequent tender, the petitioner is still continuing to occupy the premises, which is more than two months beyond his contract. As a matter of fact, after the expiry of his period, a new tender was floated and the petitioner himself participated in it. Therefore, he cannot now seek an extension of time.

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. Even in the communication dated 22.05.2024, relied upon by the learned counsel for the petitioner, it is only mentioned in paragraph No. 3 that



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there are other encroachments by tea and snacks shops on both sides of the premises, which have led to intense competition. It can be seen that it is not the petitioner's case that he was not permitted to occupy the premises. Secondly, it can be further noted that after the expiry of the tender period, a new tender was floated and the petitioner himself participated in the tender. Now, merely because he was unsuccessful, he cannot turn around and seek an extension of time.

6. In view thereof, I find no merit in the claim of the petitioner. However, considering the plea made by the learned counsel for the petitioner, a grace period up to 23.03.2025 shall be extended by the authorities to the petitioner to carry on his business. The petitioner shall vacate and hand over the premises on 23.03.2025.

7. Accordingly, this writ petition is disposed of. No costs.

11.03.2025

Neutral Citation: Yes/No
nsl

To
1. THE REGIONAL OFFICER,,



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NATIONAL HIGHWAYS AUTHORITY OF INDIA,
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5TH FLOOR, CMRL BUILDING,
POONAMALLEE HIGH ROAD,
KOYAMBEDU, CHENNAI - 600 107.

2. THE PROJECT DIRECTOR,
NATIONAL HIGHWAYS AUTHORITY OF INDIA,
(MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS GOVERNMENT OF INDIA),
DGM (TECH),
PROJECT IMPLEMENTATION UNIT – CHENGALPATTU,
NO.47/8A, 2/285,
VELACHERY - TAMBARAM MAIN ROAD,
SATHOSAPURAM, MEDAVAKKAM,
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D.BHARATHA CHAKRAVARTHY, J.

ns1



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