



Writ Petition Nos.7485, 7639, 13052 & 39757 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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ORDER RESERVED ON : 05.06.2025

ORDER PRONOUNCED ON : 09.06.2025

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Writ Petition Nos.7485, 7639, 13052 & 39757 of 2024

and

W.M.P.Nos.8385, 8555, 14216 & 43049 of 2024

W.P.No.7485 of 2024

K.Samuel
S/o.Kannan

... Petitioner

Vs

1.The Additional Chief Secretary
to Government,
Government of Tamil Nadu,
Highways & Minor Ports Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Divisional Engineer,
Tamil Nadu Highways Department,
Chennai Metropolitan Development Scheme,
No.124, 2nd Floor, Thyagaraya Road,
Teynampet, Chennai - 600 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the respondents with respect to reply in Letter No.40/2022/Senthil Nagar/FOB/DO, dated 13-02-2024, pursuant to the



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petitioner's representation dated 12.02.2024 and quash the same and thereby, direct the second respondent to alter the Plan of Construction of Foot Over Bridge with Escalator at KM 14/2 of Inner Ring Road at Senthil Nagar Junction in shifting the same away from the property of the petitioner and by not affecting the free access of ingress and egress to petitioner's property.

For Petitioner : Mr.J.Srinivasan

For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by Ms.A.Bakkiyalakshmi
Government Advocate

W.P.No.7639 of 2024

A.Vijaya Kandeepan
S/o.Late.Arumugam

... Petitioner

Vs

1.The Additional Chief Secretary
to Government,
Government of Tamil Nadu,
Highways & Minor Ports Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Divisional Engineer,
Tamil Nadu Highways Department,
Chennai Metropolitan Development Scheme,
No.124, 2nd Floor, Thyagaraya Road,
Teynampet, Chennai - 600 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the respondents with respect to reply in Letter



Writ Petition Nos.7485, 7639, 13052 & 39757 of 2024

No.40/2022/Senthil Nagar/FOB/DO, dated 13-02-2024, pursuant to the petitioner's representation dated 01.12.2023 and quash the same and thereby, direct the second respondent to alter the Plan of Construction of Foot Over Bridge with Escalator at KM 14/2 of Inner Ring Road at Senthil Nagar Junction in shifting the same away from the property of the petitioner and by not affecting the free access of ingress and egress to petitioner's property.

For Petitioner : Mr.J.Srinivasan

For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by Ms.A.Bakkiyalakshmi
Government Advocate

W.P.No.13052 of 2024

G.Ramadevi

W/o.G.Lakshmi Narayanan

... Petitioner

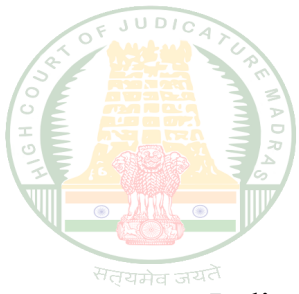
Vs

1.The Additional Chief Secretary,
Highways & Minor Ports Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2.The Divisional Engineer,
Chennai Metro Roads,
No.2/193, Little Mount, Chennai - 600 015.

3.The Divisional Engineer,
High Ways Department,
CMDA Division 5,
No.124, 2nd Floor,
Thiyagaraya Road,
Teynampet, Chennai - 600 018.

... Respondents



Writ Petition Nos.7485, 7639, 13052 & 39757 of 2024

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the third respondent not to construct the proposed Foot Over Bridge (FOB) on the road of Sivananda Nagar instead of constructing it at 14/2 km at Senthil Nagar junction as originally sanctioned by the first respondent and conduct a feasibility test as to the necessity of FOB with a subway at 300 meters.

For Petitioner : Mr.Natarajan, Senior Counsel
for Mr.C.P.Palanisamy

For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by Ms.A.Bakkiyalakshmi
Government Advocate

W.P.No.39757 of 2024

P.Bhuvaneshwari
W/o.V.Parangusam

... Petitioner

Vs

1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Highways & Minor Ports Department,
Secretariat, Fort St.George, Chennai - 600 009.

2.The Divisional Engineer,
Tamil Nadu Highways Department,
Chennai Metropolitan Development Scheme,
No.124, 2nd Floor, Thyagaraya Road,
Teynampet, Chennai - 600 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus to consider the petitioner's



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representation dated 04.12.2024 and thereby, direct the second respondent to alter the Plan of Construction of Foot Over Bridge with Escalator at KM 14/2 of Inner Ring Road at Senthil Nagar Junction in shifting the same away from the petitioner's property situated at No.18, "Sivanandha Nagar", 200' Feet Inner Ring Road, comprised in Survey No.16/1 part, as per patta Survey No.16/1A1A1AV7, T.S.No.363, now T.W.No.363/2, Block No1, of Kolathur Village, Senthil Nagar Junction.

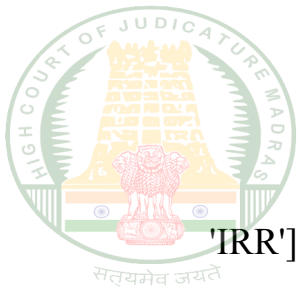
For Petitioner : Mr.M.Abdul Kareem

For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by Ms.A.Bakkiyalakshmi
Government Advocate

COMMON ORDER

These writ petitions have been filed challenging the proposed Foot Over Bridge [hereinafter referred to as 'FOB'] to be constructed by the respondents at Sivananda Nagar instead of Senthil Nagar where it was originally proposed to be constructed.

2. An administrative sanction for construction of FOB with escalator was proposed to be constructed at Senthil Nagar. G.O.(Ms)No.177, dated 02.09.2022 was issued in this regard by the Highways and Minor Ports Department. This FOB and escalator was identified at KM 14/2 of Inner Ring Road [hereinafter referred to as



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'IRR'] on the eastern side of junction - Madhavaram side. Subsequently, the construction of FOB was shifted to Sivananda Nagar and as a result, all these petitioners, who are residing/carrying on business at Sivananda Nagar have challenged the sudden change in the location of construction of FOB.

3. Counter affidavits have been filed in all these writ petitions.

The respondents have taken a stand that two options were considered. The first option was at KM 14/2. Accordingly, G.O.(Ms)No.177, dated 02.09.2022 was issued for construction of FOB with escalator. Subsequently, a letter was addressed by the Chief Engineer to the Secretary to Government stating that a topographical survey was once again conducted. During the marking of the alignment of FOB, it was found that the location falls between KM 14/2 and 14/4. Since KM 14/3 is a culvert, it was decided to construct FOB with escalator at KM 14/4 of IRR near Senthil Nagar junction. On receipt of the communication from the Chief Engineer, G.O.(Ms)No.109, dated 02.09.2024 was issued by changing the nomenclature for the work as the construction of FOB with escalator at KM 14/4 of IRR of Senthil Nagar junction. The respondents have stated that Senthil Nagar junction at IRR is heavily



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congested and there are school going children, working women, patients visiting nearby hospitals, who use this place and are forced to cross the junction at the traffic signal. Therefore, it was thought fit to construct FOB at this place. Accordingly, the respondents have sought for the dismissal of these writ petitions.

4. Learned Senior Counsel appearing on behalf of the petitioner in W.P.No.13052 of 2024 and the learned counsel appearing for other petitioners submitted that there is absolutely no valid ground to suddenly shift FOB from Senthil Nagar to Sivananda Nagar. Even as per the original counter affidavit filed in W.P.No.13052 of 2024, a stand was taken to the effect that FOB near Senthil Nagar junction is very much essential and that they will proceed with the work of construction of FOB with escalator at KM 14/2. However, suddenly this stand was abruptly changed. At a distance of 300 meters from the proposed construction, yet another FOB is going to be constructed by the Metro Rail and therefore, the present construction will not solve the problem at Senthil Nagar. Such wasteful construction will cause dent by means of huge expenditure that is being incurred for constructing FOB and it will not be a feasible alternative. The proposed construction at Sivananda Nagar will put the



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petitioners to hardship and it will prevent them from utilizing the existing property.

5. *Per contra*, learned Additional Advocate General appearing on behalf of respondents submitted that sufficient reasons were assigned as to why FOB is being shifted from KM 14/2 to KM 14/4. Such reasons are available both in the communication made by the Chief Engineer and also in the Government Order in G.O.(Ms)No.109, dated 02.09.2024. Learned Additional Advocate General further submitted that the petitioners cannot question the proposed change without challenging G.O.(Ms)No.109, dated 02.09.2024. The stand taken at paragraph No.14 of the counter affidavit only emphasizes the importance of constructing a FOB at Senthil Nagar and it has nothing to do with the shifting from KM 14/2 to 14/4. Learned Additional Advocate General submitted that there was no ulterior motive in shifting the construction and it was a technical decision taken by the experts and in any location where it is proposed to construct FOB, persons belonging to that location will question the same and therefore, this Court must only look into the over all public interest involved. Accordingly, learned Additional Advocate General sought for the dismissal of all these writ petitions.



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6. This Court carefully considered the submissions made on

either side and the materials available on record.

7. It is quite clear from the above facts that the grievance confines itself to shifting of FOB from KM 14/2 to 14/4 i.e. from Senthil Nagar to Sivananda Nagar. These are matters which involve technicalities and it is within the realm of an expert. Initially, it was proposed to be constructed at KM 14/2 of IRR at Senthil Nagar junction. G.O.(Ms)No.177, dated 02.09.2022, was also issued in this regard. However, while topographical survey was conducted during marking of the alignment of FOB, it was found that the location falls between KM 14/2 and 14/4. KM 14/3 has a culvert in it. Therefore, it was decided to construct FOB at KM 14/4. Accordingly, a communication was addressed by the Chief Engineer to the Government dated 09.07.2024 by assigning reasons as to why the nomenclature has to be changed as construction of FOB with escalator at KM 14/4 of IRR near Senthil Nagar junction. This communication was taken into consideration by the Government and G.O.(Ms)No.109, dated 02.09.2024 was issued.



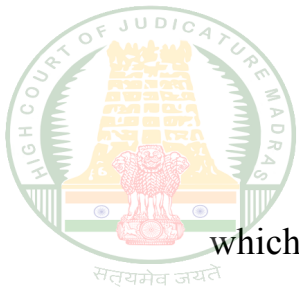
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8. It is now too well settled that this Court exercising its jurisdiction under Article 226 of the Constitution of India cannot sit over the decisions taken by experts. Useful reference can be made to the judgment of the Apex Court in *Akhil Bharat Goseva Sangh v. State of A.P. and others* [(2006) 4 SCC 162]. Reference can also be made to the judgment of the Apex Court in *Bajaj Hindustan Limited v. Sir Shadi Lal Enterprises Limited and another* [(2011) 1 SCC 640].

9. No malafides have been urged by the petitioners against the respondents. The petitioners are only expressing the hardship that will be faced by them if the FOB is shifted to Sivananda Nagar. If the FOB is retained in the original position at KM 14/2, obviously persons belonging to Senthil Nagar will have a grievance. Hence, in cases of this nature, while private interest is pitted against public interest, obviously, private interest has to yield to the public interest.

10. There is no contradiction in the stand taken by the respondents in the counter affidavit. Ultimately, the construction of FOB with escalator is only going to take care of the road users at Senthil Nagar junction. Hence, the same being located at KM 14/2 or KM 14/4,



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which is hardly 200 mtrs. away from KM 14/2, does not make any difference. Mere hardships that may be faced by the petitioners is not a ground to interfere with the construction of FOB. This is not a fit case where this Court will exercise its discretion and grant the relief as sought for by the petitioners.

In the result, all these writ petitions are dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

09.06.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order
gm

To

1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Highways & Minor Ports Department,
Secretariat, Fort St.George, Chennai - 600 009.

2.The Divisional Engineer,
Tamil Nadu Highways Department,
Chennai Metropolitan Development Scheme,
No.124, 2nd Floor, Thyagaraya Road,
Teynampet, Chennai - 600 018.

3.The Divisional Engineer,
Chennai Metro Roads,
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N.ANAND VENKATESH, J

gm

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