



W.P.No.12491 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 08.04.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12491 of 2025
and W.M.P.Nos.14093 and 14095 of 2025

1. Rajeswari
2. V.Rajagopal
3. Arthi Anand
4. Tharini

.. Petitioners

Versus

1. Land Administration Commissioner,
Collectorate Building,
Coimbatore - 641 018.
2. Special District Revenue Officer,
Land Acquisition and Management Unit,
Collectorate Building,
Coimbatore - 641 018.
3. The Divisional Engineer,
Highways Department,
Tamilnadu State Highways,
NABARD and Rural Roads,
1661, Trichy Road,
Coimbatore - 641 018.



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4. The Superintending Engineer (H),
Office of the Superintending Engineer,
NABARD & Rural Roads Circle,
Opposite to Government workshop,
Manakkadu Bus stop, Hasthampatty,
Salem - 7.

.. Respondents

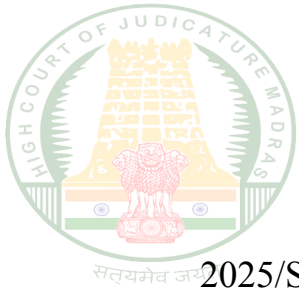
Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records relating to Tender Notice No.38/2024-2025/SDO/ dated 12.02.2025 issued by the 4th respondent and quash the same and consequently forbear the respondents from proceeding with the tender process for construction of Road Over Bridge at Km 0/6 Thaneerpandal road in lieu of existing LC.No.6 at Railway Km 6/15-17 in between Singanallur - Peelamedu Railway Stations pending disposal of WA No.1139 of 2023, on the file of Hon'ble Madras High Court.

For Petitioners : Mr.P.V.Bala Subramanian,
Senior Counsel,
for Mr.P.Giridharan

For Respondents : Mr.J.Ravindran,
Additional Advocate General,
Asstd. by Mr.A.Selvendran,
Special Government Pleader

ORDER

This Writ Petition is filed challenging the tender notice No.38/2024-



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2025/SDO/, dated 12.02.2025 issued by the fourth respondent and quash the
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same and consequently, forbear the respondents from proceeding with the tender process for construction of Road Over Bridge at Km 0/6 Thaneerpandal road in lieu of existing LC.No.6 at Railway Km 6/15-17 in between Singanallur - Peelamedu Railway Stations pending disposal of W.A.No.1139 of 2023 on the file of this Court.

2. Heard *Mr.P.V.Bala Subramanian*, learned Senior Counsel for the petitioners and *Mr.J.Ravindran*, learned Additional Advocate General for the respondents.

3. The first contention of the petitioners is that very alignment and location of the Road Over Bridge itself is incorrect. It deviates from the original plan. The respondents are arbitrarily locating the Road Over Bridge. Already, the petitioners challenged the same. However, when the Writ Petition was dismissed, the matter is pending in W.A.No.1139 of 2023.

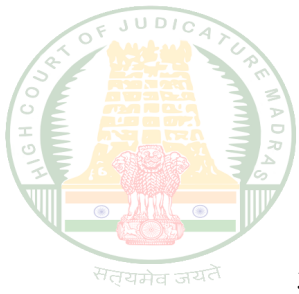


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Even when the very road formation/the alignment is under challenge, straightaway, the respondents cannot proceed with the action of calling for tenders finalising the tenderer constructing the over bridge.

4. The second contention of the learned Senior Counsel is that the land, in which, the Road Over Bridge, to be located actually belongs to the petitioners. When the acquisition is under challenge and the petitioners are resisting, without even first completing the acquisition process, the award of tender is incorrect in law. The third contention raised by the learned Senior Counsel is that from the information that is provided to the petitioners, it is very clear that the land is not made over to the Highways Department and the stretch has so far not been declared as the state/national highways and without even performing the basic framework that is required under law, the respondents are straightaway floating the tender only to make the affairs *fait accompli* in respect of the petitioners to frustrate their lawful claims.



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5. Per *contra*, learned Additional Advocate General for the respondents would submit that the petitioners' land is not sought to be encroached upon or used. The Road Over Bridge is going to be constructed only on the land belonging to the respondents and not the petitioners. He would further submit that as disclosed in the material papers in the Writ Petition, the entire project is being repeatedly stalled by filing repeated Writ Petitions and there is extreme urgency in the matter and the project is a Public Utility Project.

6. Upon the said submissions made by the learned Additional Advocate General, this Court passed over the matter by requesting the learned Additional Advocate General to place on record as to in which survey number, the Road Over Bridge is proposed to be constructed and whether the same belongs to the petitioners or not.

7. When the matter is passed over in the afternoon, an additional



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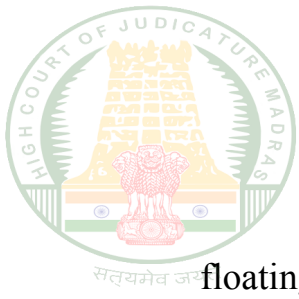
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affidavit is filed by the Divisional Engineer. The relevant paragraphs of the said additional affidavit are extracted hereunder:-

"I respectfully submit that the tender invited for construction of railway over bridge is to construct the same in the already existing road in Survey No.468. The land of the Writ Petitioner is on the western side of the road bearing Survey No.469.

I respectfully submit that the construction of railway over bridge is only in Survey No.468 which is road of 13.5 meters width and not in the Writ Petitioner Survey No.469."

8. In view thereof, the primary objection of the petitioners that the respondents are entering into their lands and are constructing the Road Over Bridge, stands redressed. The second contention of the learned Senior Counsel for the petitioners is that the procedural formalities are not complied with. The state is expected to act in an efficient manner since they are compelled by way of the Tender Transparency Act and Rules to go for construction by tendering it out. They can simultaneously tender it out and if any other procedural formalities required, they can comply with it simultaneously also. Therefore, that cannot be an impediment even for



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floating a tender or a ground for challenging the tender notice.
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9. As far as the other contention relating to the alignment is concerned, earlier, when a Writ Petition was filed and the same is the subject matter of W.A.No.1139 of 2023, it would be open for the petitioners to make all submissions only in the said appeal. In this Writ Petition, once again, the same cannot be canvassed.

10. In view thereof, recording the additional affidavit filed by the third respondent, this Writ Petition stands disposed of. Apart from the original contentions, the learned Senior Counsel for the petitioner, at this stage, raised an issue with reference to ingress and egress also. Normally, a Road Over Bridge will not interfere with the ingress and egress of the petitioners. However, to a limited extent, there will be a difficulty. Therefore, the respondents shall take care that the ingress and egress is not affected and the difficulty, if any, only to the minimum level. There shall be no order as to



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costs. Consequently, connected miscellaneous petitions are closed.

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Neutral Citation : no
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