

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.01.2016

Coram

The Honourable Mr. Justice T.S.SIVAGNANAM

W.P.No.38733 of 2015
and M.P.No.1 of 2015

Karamadai Main Road Building
Owners, Traders and Residents
Welfare Association, Rep. By its
President, Mr.K.Shanmugasundaram. ... Petitioner

-vs-

1. Government of Tamil Nadu,
Rep. By its Secretary,
State Highways Department,
Secretariat, Chennai.
2. The District Collector,
Coimbatore.
3. The Tahsildar,
Office of Tahsildar,
Taluk Office, Mettupalayam,
Coimbatore District.
4. The Chief Bridge Engineer,
Southern Railway,
Chennai.
5. The Chief Engineer,
National Highways,
Chepauk, Chennai.
6. The Chief Engineer,
State Highways, Chennai.
7. The Superintending Engineer,
Highways Department,
Project Circle, Coimbatore.
8. The Divisional Engineer,
Highways, Near North Kovai
Over Bridge, Mettupalayam Road,
Coimbatore.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents forbearing from carrying on any construction activity of the Road Over Bridge at Kilometer 373/6 at Karamadai on the Karamadai Main Road, North of the Railway Level Crossing No.10 by adopting the alignment No.1 and without following the procedure envisaged under the Tamil Nadu State Highways Act and without affording the opportunities to the members of the petitioners herein and to the general public likely to be affected by the project.

For Petitioner : Mr.D.Arokia Mary Sophia

For Respondents : Mr.R.Rajeswaran
for RR 1, 2, 3, 6, 7, 8

: Mr.P.T.Ramkumar for R4

O R D E R

Heard Mr.D.Arokia Mary Sophia, learned counsel for the petitioner, Mr.R.Rajeswaran, learned counsel appearing for respondents 1 to 3 and 6 to 8 and Mr.P.T.Ramkumar, learned counsel for the fourth respondent.

2.The petitioner is an association of Building owners, Traders and Residents and they seek for issuance of a Writ of Mandamus to forbear the respondents from carrying on any construction activity of the Road Over Bridge at Kilometer 373/6 at Karamadai on the Karamadai Main Road, North of the Railway Level Crossing No.10 by adopting the alignment. The allegation is that the procedure under the Tamil Nadu State Highways Act has not been followed, especially Sections 3, 8 to 10, 14 and 15.

3.As rightly pointed out by the learned counsels appearing for the respondents, the petitioner is an association and not the land owner. Therefore, it cannot be an aggrieved person. That apart, the properties which are likely to be affected have also not been set out in the affidavit filed in support of the writ petition. The petitioner-association, in fact, would fairly agree that they may not have a good case on the alignment of the Road Over Bridge. In any event, the petitioner being an association cannot seek to maintain such a prayer, which is in effect challenging the land acquisition proceedings. Hence, no relief can be granted in this writ petition. However, this will not prevent the individual land owners, if aggrieved, to work out their remedies.

4. Writ Petition, accordingly, stands dismissed. No costs. Consequently, M.P.No.1 of 2015 also stands dismissed.

sd/-
Assistant Registrar (CO)

/TRUE COPY/

Sub-Assistant Registrar

sra

To

- 1.The Secretary to Govt. of Tamil Nadu,
State Highways Department, Secretariat, Chennai.
- 2.The District Collector, Coimbatore.
- 3.The Tahsildar, Office of Tahsildar,
Taluk Office, Mettupalayam,
Coimbatore District.
- 4.The Chief Bridge Engineer,
Southern Railway, Chennai.
- 5.The Chief Engineer,
National Highways, Chepauk, Chennai.
- 6.The Chief Engineer,
State Highways, Chennai.
- 7.The Superintending Engineer,
Highways Department,
Project Circle, Coimbatore.
- 8.The Divisional Engineer,
Highways, Near North Kovai
Over Bridge, Mettupalayam Road,
Coimbatore.

+1 CC to MR.P.T.Ramkumar Advocate. SR.NO. 6017
+1 CC to Govt.Pleader. SR.NO. 6507

W.P.No.38733 of 2015

CO-RSI
JD 12/02/2016