The importance of service road is mandatory when there is a construction of 2 parallel flyover : Andhra Pradesh High Court

The problems would have been remained unsolved if the very purpose was for only public monies, which would end up not reaching the desired objective , also the issue involved is similar in nature , so there is a common judgment , this was held in the judgement passed by a single bench judge comprising *HON’BLE SRI* *JUSTICE ARUP KUMAR GOSWAMI* , in the matter **hon’ble MR. Justice Arup Kumar Goswami , Chief Justice & Hon’ble MR .Justice Ninala Jayasurya**, **State of Andhra Pradesh** , dealt with an issue were the grievance ventilated by the petitioners claiming to be the resident of various colonies in and around .

1st flyover was constructed on the eastern side for free flow of the traffic from Calcutta side to Chennai side . The said flyover of a length of about Km.2.50 meters starts at Novatel junction , ends at screw Bridge junction and was brought into operation in the year 2020. Another flyover (hereinafter referred to as 2nd flyover )was proposed to be constructed. A length of about Km.2.47 meters is parallel to the 1st flyover covering three junctions viz, Benz Circle Junction . ventilating certain grievance’s with reference to the said flyovers , some of the petitioners claiming to be residents of the colonies adjacent to these flyovers , filed writ petitions .

The respondent No. 1 issued a notification dated 28.01.2019 under Section 3-A(1) of National Highways Act , 1956 in Gazette of India (Extraordinary)dated 29.01.2019 having been satisfied that the lands shown in the schedule are required for the public purpose viz. for formation of a service road , but the land acquisition process was abandoned . Now respondent No.5 Project Director , National Highways Authority of India , contested the matter by filling a counter affidavit inter alia stating that as per EPC Contract Agreement for construction of flyover , service road adjacent to the 1st flyover and not 10 meters as claimed by the petitioners .

The learned Single Judge, after considering the matter , by an order dated 31.12.2019,disposed of the writ petition , with a direction to respondent No.5 to form service road , inter alia. Here in this case, there is no Concession Agreement , except an agreement for construction of flyover and formation of service road . Now respondent No.6 filed a counter stating inter alia that the construction of western side 2nd flyover is different, the structure in the available ROW (Right Of Way) to avoid any additional land acquisition and disturbing the existing habitants.

Another learned Single Judge , taking the view to the effect that it would not be appropriate for the courts to step into these issues, dismissed the writ petition inter alia .Writ petition (PIL) No.240 of 2020 has been claiming to be in public interest , and also bypass road was proposed, by the respondents , Further that work was in progress .

The court perused the facts and argument’s presented , it was of the opinion that- “*Before parting with the matters, this Court hastens to add that interest of the public at large is paramount and the respondents, be it NHAI or State Government are required to discharge their obligations in matters of this nature without much ado. Lest, the very purpose of construction of these flyovers with huge public monies would not achieve the desired object, result in more expenditure towards cost of land acquisition, while the problems of the commuters remain unsolved.*” Dated on 31st August 2021 .