

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.18463 of 2016
and
W.M.P.No.16169 of 2016

The National Highways Authority of India
represented by the Project Director,
Project Implementation Unit Karur,
No.7, Kamadhenu Nagar,
Karur - 639 001. Petitioner

Vs.

1.The State of Tamil Nadu
represented by its Principal Secretary
to the Government,
Public Works Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.Public Works Department,
Government of Tamil Nadu,
represented by its Secretary
to the Government,
Secretariat, Fort St.George,
Chennai - 600 009.

3.The District Collector,
Collectorate, Trichy.

4.The Chief Engineer,
Public Works Department,
Subramaniyapuram,
Trichy - 620 001.

5.The Union of India,
represented by the Secretary
to the Government,
Ministry of Road Transport, Shipping and Highways,
Transport Bhavan,
No.1, Parliament Street,
New Delhi - 110 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus directing the 1st and 2nd respondents to issue NOC/Consent for the alignment of the Trichy Bypass from KM 136.800 to KM 141.800 over the Kothamangalam, Kallikudi & Punganur Tank of Srirangam Taluk, Tiruchirapalli District as per the petitioner's letter dated 30.04.2014 to the 4th respondent.

For Petitioner : Mr.P.Wilson, Senior Counsel
Asst. by Mr.Richardson Wilson
for M/s.P.Wilson Associates

For Respondents: Mr.R.Govindasamy,
Special Government Pleader.

O R D E R

The learned counsel appearing for the petitioner would submit that the petitioner has filed this writ petition for issuance of writ of mandamus directing the respondents to issue No Objection certificate/Consent for the alignment of the Trichy bypass from KM 136.800 to KM 141.800 over the Kothamangalam, Kallikudi & Punganur Tank of Srirangam Taluk, Tiruchirapalli District in terms of the order dated 30.04.2014 addressed to the 4th respondent and since there were subsequent development, the first respondent has passed a Government Order in G.O.RT.No.259, Public Works (N2) Department dated 31.05.2016, granting permission for construction of High Level bridge across the Punganur Tank and Road passing near Kothamangalam and Kallikudi Tanks. However, while passing the said Government Order, certain clauses have been incorporated and the said clauses are not agreeable by the petitioner and in this regard, a memo has also been filed on behalf of the petitioner dated 12.07.2016. It is the further submission of the learned counsel appearing for the petitioner that the petitioner may be permitted to withdraw this writ petition with liberty to challenge the certain clauses acting adverse to the interest of the petitioner authority and prays for appropriate orders.

2. This Court heard the submission of Mr.R.Govindasamy, learned Special Government Pleader, who would submit that in the light of passing of the above said Government Order, nothing survives for adjudication in this writ petition and the relief sought for by the petitioner may not be granted.

3. This Court has carefully considered the rival submissions and also perused the materials placed before it.

4. In the light of the submission made by the learned Senior Counsel appearing for the petitioner coupled with the memo filed on behalf of the petitioner, this writ petition is dismissed as withdrawn and the petitioner is at liberty to challenge the clauses in G.O.RT.No.259, Public Works (N2) Department dated 31.05.2016 acting adverse to the petitioner authority in accordance with law before the competent forum. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary ,
State of Tamil Nadu,
Public Works Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Secretary,
Public Works Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai - 600 009.

3.The District Collector,
Collectorate, Trichy.

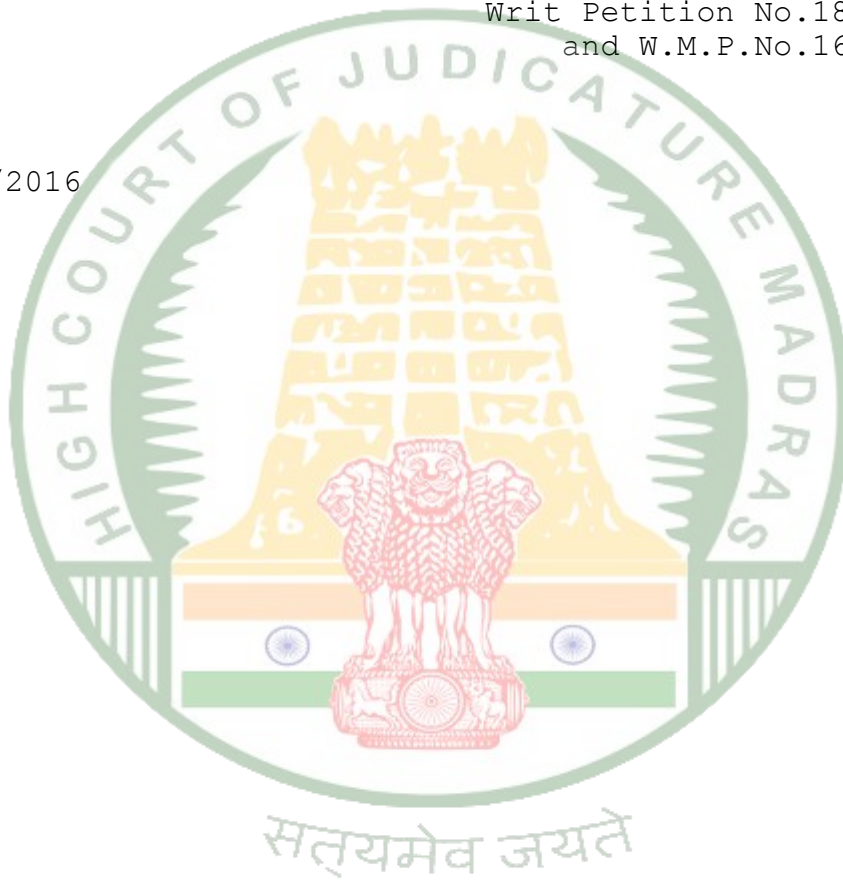
4.The Chief Engineer,
Public Works Department,
Subramaniyapuram,
Trichy - 620 001.

5.The Secretary,
Union of India,
Ministry of Road Transport, Shipping
and Highways,
Transport Bhavan,
No.1, Parliament Street,
New Delhi - 110 001.

+1cc to Mr.P.Wilson Associates Sr.39395
+1cc to the Government Pleader Sr.38961

Writ Petition No.18463 of 2016
and W.M.P.No.16169 of 2016

skv[co]
srg 27/07/2016



WEB COPY