



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.12190 of 2016

and

W.M.P. (MD) .No.9285 of 2016

A.AL.Ameen

.. Petitioner

Vs.

1.The Government of India,
rep. by its Secretary,
Ministry of Road Transport and Highways,
Transport Bhavan,
No.1, Parliament Street,
New Delhi.

2.The Divisional Engineer,
National Highways,
75,Ramanpillai Street,
Nagercoil,
Kanyakumari District.

3.The District Collector,
Kanyakumari District,
Kanyakumari.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, forbearing the respondents from in any way constructing a over bridge in the Marthandam - Nagercoil Road or any service road in respect thereof in/through the Petitioner's land without acquiring the same as provided under the National Highways Act, 1956, or the Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : MR.M.Mahaboobathiff

For Respondents : Mr.S.Srimathi
Central Govt. Standing Counsel for R1

**ORDER**

Mr.A.L.Ameen, being a permanent resident of Nagercoil, running a hotel in his land bearing Door No.28/39, Main Road, Marthandam, in the name and style of "Mubarak Hotel", which is located abutting the Marthandam Nagercoil Highway, has come to this Court for issuance of a writ of mandamus, forbearing the respondents from in any way constructing the over bridge or any service road through the petitioner's land, without acquiring the same under the National Highways Act, 1956 or the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Through the newspapers, the petitioner come to know that the second respondent has proposed to construct a fly-over for a length of 2400 metres with 147 pillars with a provision for service road and platform adjoining the fly over, without acquiring the petitioner's land, therefore, he has sought for the above prayer.

2. Mr.T.R.Janarthanam, learned Additional Government Pleader appearing for the respondents 2 and 3, has produced a letter dated 15.07.2016, addressed by the Divisional Engineer, National Highways, Nagercoil, to the Government Pleader, in which, it has been clearly stated that the land of the petitioner in Survey No.D3/59 does not come under the purview of the Land Plan Schedule submitted to the District Revenue Officer, Kanyakumari at Nagercoil. Therefore, the contentions of the petitioner, he pleaded, are unfounded.

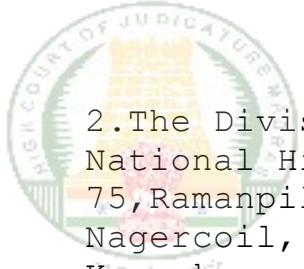
3. Recording the above submission, this writ petition is dismissed. Consequently connected miscellaneous petition is closed. No Costs.

Sd/
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To
1.The Secretary,
Government of India,
Ministry of Road Transport and Highways,
Transport Bhavan,
Services, P.O. Civil Lines, Street,
New Delhi.



2.The Divisional Engineer,
National Highways,
75,Ramanpillai Street,
Nagercoil,
Kanyakumari District.

3.The District Collector,
Kanyakumari District,
Kanyakumari.

+1 cc to M/S.AJMAL ASSOCIATES IN SR.NO.38387

+1 CC TO MS.S.SRIMATHY, Advocate Sr.No.37791

+1 cc to the Special Government Pleader Sr.No.37913

pjl

SMA/NGM-MP/05/08/2016 :3P/7C

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