



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)Nos.13572 to 13577 of 2016

and

W.M.P(MD)Nos.10120 to 10125 of 2016

A.JUSTINDHAS	... PETITIONER in WP(MD) No.13572 of 2016
P.RAMESH	... PETITIONER in WP(MD) No.13573 of 2016
M.THIRUMALAIYANDI PILLAI	... PETITIONER in WP(MD) No.13574 of 2016
P.SUKARA BEEVI	... PETITIONER in WP(MD) No.13575 of 2016
K.SURESH	... PETITIONER in WP(MD) No.13576 of 2016
A.M.AYOOB KHAN	... PETITIONER in WP(MD) No.13577 of 2016

-VS-

- 1 THE DISTRICT COLLECTOR,
KANAYAKUMARI DISTRICT,
KANAYAKUMARI.
- 2 THE DIVISIONAL ENGINEER,
NATIONAL HIGH WAYS AUTHORITY OF INDIA
75, RAMANPILLAI STREET,
NAGERCOIL,
KANAYAKUMARI DISTRICT. .. RESPONDENTS IN ALL CASES

Prayer in WP(MD) No.13572 of 2016: Writ petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from in anyway constructing a over bridge in the Marthandam - Nagercoil road or any service road in respect thereof in / through the petitioners land in survey no D3/80 Nallur Village Marthandam Nagercoil main road Kanyakumari District without following the procedure as contemplated under sec. 3-A to 3H of National Highways act 1956 or the provisions of Central Act 30 of 2013 and pass such further or other orders as this Honble Court.

Prayer in WP(MD) No.13573 of 2016: Writ petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondent from in anyway constructing a over bridge in the Marthandam-Nagercoil Road or any service road in respect thereof in/through the petitioners land in Door No. 6/34 in Survey No.D12/4-2, Nallur Village, Marthandam, Nagercoil Main Road, Kanyakumari District without following the procedure as contemplated Under Sec. 3-A

to 3-H of the National Highways Act 1956 or the provisions of Central Act 30 of 2013.

Prayer in WP(MD) No.13574 of 2016: Writ petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from in anyway constructing a over bridge in the Marthandam - Nagercoil road or any service road in respect thereof in / through the petitioners land in survey Door No 2/68 E in Survey No D10/51-2 & D10/53-2 Nallur Village Marthandam Magercoil main road Kanyakumari District without following the procedure as contemplated under Sec. 3-A to 3H of National Highways Act 1956 or the provisions of Central Act 30 of 2013.

Prayer in WP(MD) No.13575 of 2016: Writ petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondent from in anyway constructing a over bridge in the Marthandam-Nagercoil Road or any service road in respect thereof in/through the petitioners land in Door No. 32/82 in Survey No.D5/241, Nallur Village, Marthandam, Nagercoil Main Road, Kanyakumari District without following the procedure as contemplated Under Sec. 3-A to 3-H of the National Highways Act 1956 or the provisions of Central Act 30 of 2013.

Prayer in WP(MD) No.13576 of 2016: Writ petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from in anyway constructing a over bridge in the Marthandam - Nagercoil road or any service road in respect thereof in / through the petitioners land in survey Door No 6/25-3 in Survey No 119/12, 4 and C 9/111 Nallur Village Marthandam Nagercoil Main Road Kanyakumari District without following the procedure as contemplated under Sec. 3-A to 3H of National Highways Act 1956 or the provisions of Central Act 30 of 2013 .

Prayer in WP(MD) No.13577 of 2016: Writ petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondent from in anyway constructing a over bridge in the Marthandam-Nagercoil Road or any service road in respect thereof in/through the petitioners land in Door No. 1/59-E in Survey No.D9/9-3, Nallur Village, Marthandam, Nagercoil Main Road, Kanyakumari District without following the procedure as contemplated Under Sec. 3-A to 3-H of the National Highways Act 1956 or the provisions of Central Act 30 of 2013.



For Petitioner : Mr.Mahaboob Athiff
for Mr.Manoj Raguraman (in all cases)

For R1 : Mr.T.R.Janarthanam,
Additional Government Pleader
(in all cases)

For R2 : Mr.Arul Vadivel @ Sekar (in all cases)

COMMON ORDER

In all these writ petitions, the petitioners have sought for a Writ of Mandamus, forbearing the respondents from in any way constructing a over bridge on Marthandam-Nagercoil Road or any service road in respect thereof in / through the petitioners' lands, without following the procedure as contemplated under Section 3-A to 3-H of the National Highways Act, 1956, or the provisions of the Central Act 30 of 2013.

2.When the matter was taken up for hearing, learned Additional Government Pleader appearing for the respondents, by producing a Letter No.Court Case/2016-17/D.O, dated 29.07.2016, addressed to him by the Divisional Engineer, National Highways, Nagercoil, has submitted that the petitioners' lands with Survey Nos.D3/80, D12/4/2, D10/51/2, D10/52/2, D5/241, 119/12, 119/4, C9/111, D9/9-3, Nallur Village, are not in the purview of the land plan schedule submitted to the District Revenue Officer, Kanyakumari District at Nagercoil.

3.In view of the letter dated 29.07.2016 of the Divisional Engineer, National Highways, Nagercoil, there is no need to issue any Mandamus as sought for by the petitioners, hence, placing on record the abovesaid letter dated 29.07.2016, these writ petitions are closed. The interim orders already granted are vacated. W.M.P(MD)Nos.10120 to 10125 of 2016 are closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

