



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.09.2016

Coram

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD)Nos.15561 to 15564 and 16334 of 2016
and WMP(MD) .Nos.11434 to 11437 and 11937 of 2016

M.Ramesh	. . .	Petitioner in W.P.(md) .
No.15561/16		
V.Mohan	. . .	Petitioner in W.P.(md) .
No.15562/16		
N.Mohamed Habibullah	. . .	Petitioner in W.P.(md) .
No.15563/16		
V.Ravi Kumar	. . .	Petitioner in W.P.(md) .
No.15564/16		
A.Syed Ali	. . .	Petitioner in W.P.(md) .
No.16334/16		

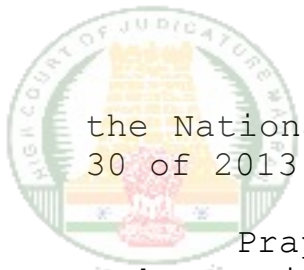
-Vs-

1.The District Collector,
Kanyakumari District,
Kanyakumari, Nagercoil.

2.The Divisional Engineer,
National Highways,
75, Ramanpillai Street,
Nagercoil, Kanyakumari District. ... Respondents in all W.Ps

Prayer in W.P.(MD).15561 of 2016: Writ Petition is filed under Article 226 of the Constitution of India praying 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 Petitioner's land in Door No.64-B in Survey No. D10/55, 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 W.P.(MD).15562 of 2016: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the the respondents from in anyway constructing a over bridge in the Marthandam - Nagercoil Road or any service road in respect thereof in / through the petitioner's land in Door No.2/84-A in Survey No.D10/30A1, 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 W.P.(MD).15563 of 2016: Writ Petition is filed under Article 226 of the Constitution of India praying 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 Petitioner's land in Door No. 2/75-3 2/76-4 in Survey No. D10/39, D10/40, Nallur Village, Matrthandam- Nagercoil main road, Kanyakumari District, without following the procedure as contemplated under Sec. 3-A to 3-H of the National Highways Act, 1956 of the provisions of Central Act 30 of 2013.

Prayer in W.P.(MD).15564 of 2016: Writ Petition is filed under Article 226 of the Constitution of India praying 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 petitioner's land in Door No.2/94-B in Nallur, 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 W.P.(MD).16334 of 2016: Writ Petition is filed under Article 226 of the Constitution of India praying 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 petitioner's land in Door No. 2/95, 2/100 in Survey No. D10/5-2, Nallur , 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.

In all W.Ps:

For petitioner

:Mr.M.Mahaboob Athiff for
M/s.Ajmal Associates

For Respondents

:Mr.V.Muruganandham
Addl. Govt. Pleader

COMMON ORDER

Since the issue involved in all the writ petitions are one and the same, these writ petitions are disposed of by way of passing a common order.

2.The above writ petitions have been filed on the ground that the petitioners are the owners of the respective lands, now, <https://hds.ces.southmtn.in/cases> respondent herein intended to construct a overbridge in Marthandam-Nagercoil road and petitioners are apprehending that their lands would be taken over by the respondents for forming the



service road and also platform, without acquiring the land under the National Highways Act.

3. Today, the second respondent has filed a counter affidavit in all the writ petitions, stating as follows:

"5. I respectfully submit that as per the said Land Plan Schedule for construction of Flyover at Marthandam dated 21.01.2016, the petitioners' lands in Sy.No.D10/55, (W.P.(MD).No.15561/2016), Sy.No.D10/30A1, (W.P.(MD).No.15562/2016), D10/39 and D10/40 (W.P.(MD).No.15563 of 2016), Door No.2/94B, (W.P.(MD).No.15564/2016) and Sy.No.D10/5-2, (W.P.(MD).No.16334/2016), situated at Nallur Village are not come under the purview of the said Land Plan Schedule, submitted before the District Revenue Officer, Kanyakumari District by the second respondent. In view of the fact, the petitioners have filed the above writ petitions are unwarranted one, hence the above writ petitions are liable to be dismissed as limine."

4. In view of the statement made by the second respondent, it is clear that there is no proposal for acquiring the lands of the petitioners herein.

5. Recording the above statement made by the second respondent, these writ petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

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

+1 cc to M/s.AJMAL ASSOCIATES, Advocate Sr.No.51313
+1 cc to Special Government Pleader sr.No.51523