



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **27.07.2017**
CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.6687 of 2017
and
W.M.P. (MD) .No.5255 of 2017

K.K.Sathiamoorthy : Petitioner

Vs.

1. The Secretary to Government,
Highways and Minor Ports Department,
Fort.St.George,
Chennai.
 2. The District Collector,
Dindigul,
Dindigul District.
 3. The Special District Revenue Officer,
Land Acquisition Officer,
Tamil Nadu Road Development Scheme II,
Salem.
- : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the files of the third respondent pertaining to its order bearing Na.Ka.No.1347/2015/A2, dated 06.03.2017 and to quash the same and consequently directed the respondent to remove the encroachments and extend the existing highway at Kallimandayam village instead of forming a bypass road by taking a deviation at Survey No.1459 of Kallimandayam Village near Mercy Home to Survey No.587, near Weigh Bridge by increasing the distance of the road for more than 3.5 kilo meter travel.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.M.Govindan
Special Government Pleader



O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

WEB COPY This writ petition has been filed questioning the communication dated 06.03.2017, sent by the Special District Revenue Officer, Land Acquisition Officer, Salem / the third respondent herein, rejecting the demand made by the petitioner.

2. According to the petitioner, the proposal of the third respondent to expand the present SH.37 and land acquisition for the said purpose would be a wasteful expenditure. The petitioner's view is that the existing road in Kallimandayam is not congested and that instead of creating a bypass road, the existing road could be widened.

3. According to the petitioner, the creation of a bypass road would lead to a loss of more than 25 acres of agricultural land. He prayed for dropping the proposal to establish bypass road and instead widen the existing road. Since the said request was not considered, he filed a writ petition and this Court gave a direction for consideration of the said request. Upon due consideration, the impugned rejection order dated 06.03.2017 came to be passed.

4. The third respondent had filed a detailed counter affidavit. The authorities have taken a conscious decision that bypass road has to be necessarily established. They have taken into account all the relevant factors. In the very nature of things, it is not possible for this Court to interfere with such decisions that too at the instance of the writ petitioner who has not made out any case for intervention.

5. The scope of review jurisdiction is necessarily limited in this case. The writ petitioner has not brought his case within a well settled parameters of the judicial review. There is no ground to interfere with the order impugned in this writ petition. The writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To:

1. The Secretary to Government,

<https://hcservices.hcgm.gov.in/hcservices/> Minor Ports Department,

Fort.St.George,

Chennai.



2. The District Collector,
Dindigul,
Dindigul District.

3. The Special District Revenue Officer,
Land Acquisition Officer,
Tamil Nadu Road Development Scheme II,
Salem.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate, SR No. 68503/17.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 68963/17.

TSG/SKM

PSM/JC/SAR3/28.08.2017/3P/6C

Order made in
W.P. (MD) No. 6687 of 2017
dated: **27.07.2017**