

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.4.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.900 of 2018
and
C.M.P.No.7860 of 2018

Sri Bhuvanambigai Sametha
Sri Bhuvanatheeswarar Temple
Rep. by K.N.Jayaraman
Honorary President
Sri Bhuvanambigai Sametha
Sri Bhuvanatheeswarar Temple
Restoration Committee,
1/23 Udayar St A.Kumaramangalam
Kanaiyur P.O Ulundurpet Taluk
Villupuram District

Appellant

Versus

- 1 The Secretary to Government
Ministry of Surface Transport and Highways
New Delhi
- 2 The Regional Director
National Highways Authority of India
1/54/28 Butt Road St. Thomas Mount
Chennai 600 016
- 3 The Project Director
National Highways Authority of India
Srinagar Colony Navasothopetti
Salem 636 004
- 4 The Competent Authority
and Special Divisional Revenue Office (LA)
National Highways
No.68 II Floor 9/11 Omalur Main Road
Salem 636 004
- 5 The Assistant Commissioner
Hindu Religious and Charitable Endowment
Department
Villupuram Villupuram District

Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 27.2.2018 passed in W.P.No.19528 of 2017.

WP.NO.19528/2017:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus to direct the respondents to pay Rs.85 lakhs towards costs for the construction of the temples for Lord Bhuvanatheswarar and Goddess Bhuvanambigai and the temple tank at A.Kumaramangalam Village in the National Highways (NH68) from Ulundurpet to salem and award costs.

For appellant : Mr.S.Ayyadurai

For R5 : Mr.P.S.Sivashanmugasundram,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who takes notice on behalf of the fifth respondent.

2. It appears that the land where the appellant-Temple was situate had been acquired under National Highways Act for a public purpose viz., widening the road and compensation has already been awarded. The grievance of the appellant is that the appellant should be extended the remedy by way of damages to the tune of Rs.85 lakhs or the temple should be constructed in the alternate place. It is for the authorities especially, the H.R. & C.E Department to take initiative for reconstruction of the temple in the alternative place and in the alternative, it is for the Ministry of Surface Transport and the Special Divisional Revenue Officer (Land Acquisition), National Highways to go into the factual aspects and decide with regard to the damages claimed by the appellant. In this regard, it is open to the appellant to submit representation to all the three authorities, if not already submitted, within a period of two weeks from the date of receipt of a copy of this judgment and in

turn, the authorities, on receipt of such representations, shall take up the issue on priority to do the needful at the earliest.

The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssk.

To:

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+lcc to Mr.S.Ayyadurai, Advocate in sr.no.31197

W.A.No.900 of 2018

nr 21/06/2018