

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.10.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P. 27963 of 2017

&

W.M.P.s 30012 & 30013 of 2017

1. V.Kumaresan
2. P.Rajendran
3. A.Rahamadhunnisa
4. A.M.Noorul Hussain
5. R.Vinothraja
6. K.P.Reguraman
7. P.Panneerselvam

... Petitioners

-Versus-

1. National Highways Authority of India (NHAI),
rep. by its Chairman,
No.G 5 & 6, Sector-10, Dwarka,
New Delhi – 110 075.
2. Project Director,
National Highways Authority of India (NHAI),
(Ministry of Road Transport and Highways),
No.19, Govindasamy Nagar,
Vazhudha Reddy Post,
Villupuram-605 401.
3. The Competent Authority/Special
District Revenue Officer (Land Acquisition),
National Highways No.45-A,
District Collectorate,
Cuddalore.

4. District Collector,
Cuddalore District,
District Collectorate,
Cuddalore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notification issued by the 3rd respondent on behalf of the respondents 1 and 2 under Sec.3-A(1) of National Highways Act, 1956 (Central Act No.48/1956) as amended by National Highways (Amendment) Act, 1997 (Central Act No.16/1997) hereinafter referred to 'the said Act') and published on 08.06.2017 in 'Daily Thanthi' Tamil Newspaper for acquisition of lands for formation of four lane in Cuddalore District, National Highways No.45-A, From Km 37/450 to Km 38/650; Km 39/950 to Km 108/860 (Villpuram-Puducherry-Cuddalore-Nagapattinam) in respect of the petitioners' properties and quash the same; consequentially direct the respondents to form four-lane in the sketch annexed to this petition, without affecting the petitioners' possession and enjoyment over their property as the respective title holders.

For petitioners : *Mr.R.Neelakandan*
For Respondents : *Mr.Richardson Wilson for*
M/s.P.Wilson Associates
for R1 & R2
 : *Mr.D.Raja,*
Addl. Government Pleader for
R3 and R4

ORDER

This writ petition has been filed challenging the notice issued under Sec.3-A(1) of National Highways Act, 1956 (hereinafter called as 'Act').

2. The grievance of the petitioners is that the petitioners lands have been acquired by the respondents for forming the four-lane road between Villupuram-Puducherry-Cuddalore-Nagapattinam. Even though there are three alignments and options are available, the respondents are choosing the option-2, which is no way better than other two options. In the said circumstances, challenging the notice issued under Sec.3-A, the present Writ Petition has been filed by the petitioners.

3. The 2nd respondent has filed the counter affidavit stating that they have chosen the Option-2, as it is only viable option, and preferable. There is no malafide intention in selection of the second option.

4. Now, it is submitted by the learned counsel for petitioners that, only a notice under Sec.3-A of the Act has been issued, so far, no enquiry under Sec.3-C has been conducted by the acquisition officer. It is also submitted that they have already made objection before the 3rd respondent, which is pending before him, and the 3rd respondent may be directed to consider the objection.

5. On considering the above facts and circumstances, without going into the merits of the case, the 3rd respondent is directed to conduct an enquiry, and consider the petitioners' objections and pass suitable orders on merits and in accordance with law after giving opportunity to the petitioners within a period of four weeks from the date of receipt of the copy of this order. If the petitioners want to raise any other objections, it is always open to them to raise their objections at the time of enquiry.

6. With the above direction, this Writ Petition is disposed of.
No costs. Consequently, the connected Writ Miscellaneous Petitions
are closed.

09.10.2018

Index:Yes/No
Internet:Yes/no
Speaking Order/Non Speaking Order
rpp

To

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New Delhi – 110 075.
2. Project Director,
National Highways Authority of India (NHAI),
(Ministry of Road Transport and Highways),
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Vazhudha Reddy Post,
Villupuram-605 401.
3. The Competent Authority/Special
District Revenue Officer (Land Acquisition),
National Highways No.45-A,
District Collectorate,
Cuddalore.
4. District Collector,
Cuddalore District,
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Cuddalore.

V.BHARATHIDASAN.J.,

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