

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.11.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P.No.29123 of 2018
and
W.M.P.Nos.34053 and 34054 of 2018

M.Thimmaiah

... Petitioner

Vs

- 1.The Chief Secretary,
Ministry of Road Transport and Highways,
National Highways Authority of India,
G-526, Sector - 10, Dwaraka,
New Delhi - 110075
2. The Authorized officer and Special
District Revenue Officer,
Land Acquisition (NH7, 66, 948A, 844),
National Highways Authority of India,
Bangalore Main Road,
1st floor of Ex-servicemen Welfare Office and Canteen,
Krishnagiri 635 001
3. The Project Director,
PIU- Krishnagiri,
No.259/1, Salem Main Road,
near KAKC Petrol Bunk,
National Highways Authority of India,
Krishnagiri.
4. The District Collector,
Krishnagiri District

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified mandamus directing the first and second respondents to call for the records in Na.Ka.No.525/2018(E) dated 20.09.2018 published in Daily Thanthi Salem Edition dated 22.09.2018 and quash the same and to further direct the respondents to lay the proposed National Highway 844 by an economic alternative way than the present one.

For Petitioner

:Mr.S.C.Vishwanth

For Respondents

: Mr.D.Raja

Additional Government Pleader
for R2

: Mrs.S.R.Sumathy

Standing counsel
for R3

: Mr. M.Elumalai,

Government Advocate,
for R4

O R D E R

This writ petition has been filed challenging the paper publication issued under Section 3A of the National Highways Act, by the third respondent calling for objection from the land owners for acquiring land for constructing a four Lane road between Neralur and Dharmauri, in NH 844.

2. According to the petitioner, the respondents had proposed to acquire the petitioner's land along with some other land for laying NH 844, nearby the Kothakondapally border area, where the proposed NH 844 reaches the Tamil Nadu State. Instead of acquiring the petitioner's land in the present alignment, which is circuitous and runs to 7 kilometers, the respondents can realign the road in a shorter distance of 1 kilometer.

3. The learned counsel for the petitioner would submit that the petitioner has filed an objection to the third respondent, but his objection so far not considered.

4. Heard both sides and perused the materials available on record carefully.

5. This writ petition has been filed challenging the notice issued under Section 3A of the National High Ways Act calling for objection. If the petitioner has any objection over the present acquisition, it is always open to him to raise his objection before the authorities and the authorities will consider the same. Instead of that, the petitioner cannot challenge the notification issued under Section 3A of the National Highways Act and it is not maintainable at this stage.

6. The learned counsel for the petitioner submitted that already the petitioner has raised his objection regarding the present acquisition and the objection is pending with the third respondent.

7. In the above circumstances, as the petitioner's objection is pending with the third respondent, without going into the merits of the case, the third respondent is directed to consider the petitioner's objection and pass suitable orders on merits.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Chief Secretary,
Ministry of Road Transport and Highways,
National Highways Authority of India,
G-526, Sector - 10, Dwaraka,
New Delhi - 110075
2. The Authorized officer and Special
District Revenue Officer,
Land Acquisition (NH7, 66, 948A, 844),
National Highways Authority of India,
Bangalore Main Road,
1st floor of Ex-servicemen Welfare Office and Canteen,
Krishnagiri 635 001
3. The Project Director,
SRSPIU- Krishnagiri,
No.259/1, Salem Main Road,
near KAKC Petrol Bunk,
National Highways Authority of India,
Krishnagiri.

4. The District Collector,
Krishnagiri District

+1cc to Mr.S.R.Sumathy, Advocate, S.R.No.76323

+1cc to Mr.S.C.Vishwanth, Advocate, S.R.No.76685

W.P.No.29123 of 2018

SVI (CO)

GSP(12/02/2019)