

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 32243 of 2018

and

W.M.P.s 37508 & 37512 of 2018

K.Suresh

... Petitioner

vs

1. The Project Director,
National Highways Authority of India,
G 5 & 6, Sector-19, Dwaraka,
New Delhi - 110 075.

2. The Authorised Officer/
District Revenue Officer (LA),
National Highways,
Collectorate,
Dharmapuri-636 705.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue appropriate Writs, orders or Directions and in particular issue a Writ of Certiorarified Mandamus, calling for the records culminating in their impugned Village Map (CH: 48+630 TO 50+100) bearing DWG No. BMP/VILLAGE MAP - 4 A and other acquisition proceedings pertaining to the six laning of Hosur-Royakottah - Dharmapuri Section of NH844, quash the same in so far as it relates to the petitioner's lands comprised in Survey Nos.222/2, 222/5, 222/7A, 222/7B, 222/8A, 222/8B and 222/3 measuring an extent of about 1.26 acres situated at Velakala Allli Village, Palacode Taluk, Dharmapuri District pursuant to the deliberate re-alignment of the proposed road and direct the respondents to proceed with the original alignment of the road, which does not affect the petitioner's said lands.

For Petitioner : Mr.Arul Anbumani

For Respondents : Mr.Su.Srinivasan,

Addl. Standing Counsel forR1

Mr.C.Thirumaran,

Special Government Pleader

for R2

O R D E R

This writ petition has been filed challenging the alignment map said to have prepared by the respondents in respect of forming six laning of Hosur-Royakottah - Dharmapuri under the National Highways Act.

2. The grievance of the petitioner is that, now the respondents are deviating from the original alignment in order to favour a particular individual, the road has been realigned, and the present alignment proposed by the respondents is affecting the petitioner's property. Hence, the present Writ Petition has been filed by the petitioner.

3. Mr.Su.Srinivasan, learned counsel appearing for the 1st respondent submitted that originally, there are three proposals prepared for forming the road. After having elaborate discussion, and after obtaining expert opinion, the present alignment has been finalised. Hence, there is no malafide in it. However, the enquiry under Sec.3-C of the National Highwas Act has already conducted, and the petitioner has also appeared and raised his objection including the change of alignment. So far, no order has been passed in the enquiry.

4. In the above circumstances, as the petitioner has already approached the authorities and raised his objection regarding the alignment, this Court is of the view that it is suffice to direct the 2nd respondent to consider the petitioner's objections and pass suitable orders on merits and in accordance with law. The above exercise should be completed within a period of six weeks from the date of receipt of the copy of this order.

5. In the result, the present Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Project Director,
National Highways Authority of India,
G 5 & 6, Sector-19, Dwaraka,
New Delhi - 110 075.

2. The Authorised Officer/
District Revenue Officer (IA),
National Highways,
Collectorate,
Dharmapuri-636 705.

+1cc to M/S.Arun Anbumani, Advocate Sr.84953
+1cc to the Government Pleader Sr.84420

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srg 31/01/2019



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