



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

WEB COPY

W.P (MD) Nos. 7978, 7979, 7980, 8437,
8438, 8439 and 9475 of 2018

S. Gunaseelan	... Petitioner in WP.7978/18
A. Murugesan	... Petitioner in WP.7979/18
M. Sakthivel	... Petitioner in WP.7980/18
M. Subramani	... Petitioner in WP.8437/18
T. Thandapani	... Petitioner in WP.8438/18
T. Murugesan	... Petitioner in WP.8439/18
P. Selvaraj	... Petitioner in WP.9475/18

Vs.

1. The Union of India,
represented by its
Secretary to Government,
Ministry of Road Transport and Highways,
Transport Bhavan,
Parliament Street,
New Delhi.
2. The District Collector,
Dindigul District.
3. The Project Director,
National Highways Authority of India,
No.1, Ishwarya Illam,
Chennama Naickenpatti,
Thadikombu, Dindigul.
4. The Authorized Officer and
Special District Revenue Officer,
(Land Acquisition, National Highways),
D.No.567, A.P.J. Abdul Kalam Street,
Chennamanaickenpatty,
Dindigul - 624 004. ... Respondents in all WP's

PRAYER: Petitions filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus directing the fourth respondent to consider the petitioner's statutory objections given under Section 3(C) of the National Highways Act, 1956, dated 06.04.2018 (in WP(MD).7978/2018), dated 31.03.2018 (in WP(MD).NOS. 7979, 7980 and 7980/2018), dated 11.04.2018 (in WP(MD).NOS. 8437 to 8439/2018) and dated 05.04.2018 (in WP(MD). 9475/2018)



respectively. within a stipulated time as that may be fixed by this Court.

For Petitioner : Mr.R.Thangapandian in all WP's
For Respondents : Mr.V.Kathirvelu,
Assistant Solicitor General of India
assisted by Mr.P.Subbiah
Central Government Standing Counsel
for R.1 in all WP's
Mr.B.Bhagavathi
Government Advocate for R.2 in WP's
7978 to 7980 and 8437 to 8439/2018
Mr.C.Arul Vadivel @ Sekar for R.3 & R.4
in all Wp's
Mr. S.Dhayalan, Government Advocate For
R2 in WP No. 9475/18

COMMON ORDER

W.P(MD)No.7978 of 2018 has been filed seeking a writ of Mandamus directing the fourth respondent to consider the petitioner's statutory objections given under Section 3(C) of the National Highways Act, 1956, dated 06.04.2018, within a stipulated time as that may be fixed by this Court.

2. W.P(MD)No.7979 of 2018 has been filed seeking a writ of Mandamus directing the fourth respondent to consider the petitioner's statutory objections given under Section 3(C) of the National Highways Act, 1956, dated 31.03.2018, within a stipulated time as that may be fixed by this Court.

3. W.P(MD)No.7980 of 2018 has been filed seeking a writ of Mandamus directing the fourth respondent to consider the petitioner's statutory objections given under Section 3(C) of the National Highways Act, 1956, dated 31.03.2018, within a stipulated time as that may be fixed by this Court.

4. W.P(MD)No.8437 of 2018 has been filed seeking a writ of Mandamus directing the fourth respondent to consider the petitioner's statutory objections given under Section 3(C) of the National Highways Act, 1956, dated 11.04.2018, within a stipulated time as that may be fixed by this Court.

5. W.P(MD)No.8438 of 2018 has been filed seeking a writ of Mandamus directing the fourth respondent to consider the petitioner's statutory objections given under Section 3(C) of the National Highways Act, 1956, dated 11.04.2018, within a stipulated time as that may be fixed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

6. W.P(MD)No.8439 of 2018 has been filed seeking a writ of



Mandamus directing the fourth respondent to consider the petitioner's statutory objections given under Section 3(C) of the National Highways Act, 1956, dated 11.04.2018, within a stipulated time as that may be fixed by this Court.

7. W.P(MD)No.9475 of 2018 has been filed seeking a writ of Mandamus directing the fourth respondent to consider the petitioner's statutory objections given under Section 3(C) of the National Highways Act, 1956, dated 05.04.2018, within a stipulated time as that may be fixed by this Court.

8. Heard the submissions of Mr.R.Thangapandian, learned Counsel for the petitioners; Mr.V.Kathirvelu, learned Assistant Solicitor General of India assisted by Mr.P.Subbiah, learned Central Government Standing Counsel appearing for the first respondent; Mr.B.Bhagavathi, learned Government Advocate appearing for the second respondent in W.P(MD)No.7978 to 7980, 8437 to 8439 of 2018; Mr.S.Dhayalan, learned Government Advocate appearing for the second respondent in W.P(MD)No.9475 of 2018 and Mr.C.Arul Vadivel @ Sekar, learned Standing Counsel appearing for the respondents 3 and 4.

9. The grievance of the petitioners is that they were not heard as per Section 3(C) of the National Highways Act, 1956 and hence, they filed the present writ petitions seeking to direct the fourth respondent to consider the objections raised by them dated 06.04.2018.

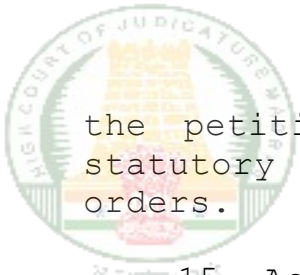
10. Mr.C.Arul Vadivel @ Sekar, learned Standing Counsel has taken notice on behalf of the National Highways Authority of India and submitted that due opportunity would be given to the petitioners and accordingly, on 19.04.2018 and 20.04.2018, the enquiry date was fixed and the petitioners were given opportunity to appear before the authorities concerned.

11. In the counter affidavit filed by the third respondent, it has been clearly stated that the land owners appeared for the enquiry and raised their objections. Some of the land owners made representations for higher compensation. The issue regarding the alignment proposal was also deliberated in general and explained.

12. The learned Counsel for the petitioners would submit that on the date of hearing, about 500 people assembled and agitated before the authorities.

13. The statement made by the learned Counsel for the petitioners goes to show that all of the petitioners were put on notice and a hearing was conducted as per Section 3(C) of the National Highways Act, 1956.

14. From the factual discussions made above, it is clear that



the petitioners were given opportunity of hearing as per the statutory provisions and the fourth respondent is yet to pass orders.

15. Accordingly, a direction is given to the fourth respondent to consider the objections of the petitioners and pass orders in accordance with law.

16. With the above directions, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Union of India,
Ministry of Road Transport and Highways,
Transport Bhavan,
Parliament Street,
New Delhi.
2. The District Collector,
Dindigul District.
3. The Project Director,
National Highways Authority of India,
No.1, Ishwarya Illam,
Chennama Naickenpatti,
Thadikombu, Dindigul.
4. The Authorized Officer and
Special District Revenue Officer,
(Land Acquisition, National Highways),
D.No.567, A.P.J. Abdul Kalam Street,
Chennamanaickenpatty,
Dindigul - 624 004.

+1cc to Mr.C.Arul Vadivel @ Sekar, Advocate Sr.No.66736

+1cc to Mr.R.Thangapandian, Advocate Sr.No.66763

+2cc to Mr.P.Subbiah, Advocate Sr.No.67174

+1cc to SPECIAL GOVERNMENT PLEADER, Sr.No.66924

RSB

MK/SKN RSK/SAR 2/19.06.2018/4P/10C

**W.P (MD) Nos.7978, 7979, 7980, 8437,
8438, 8439 and 9475 of 2018
05.06.2018**