



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2018

CORAM:

THE HONOURABLE Mr. JUSTICE M.M.SUNDRESH
and
THE HONOURABLE Mr. JUSTICE N.SATHISH KUMAR

W.P. (MD) No.18488 of 2018
and
W.M.P. (MD) No.16391 of 2018

Valliyammal ... Petitioner

Vs.

- 1.The Union of India,
Represented by its Secretary,
Road Transport & Highways Department,
of Road Transport and Highways,
New Delhi.
- 2.The Government of Tamilnadu,
By its Secretary,
Highways Department, Chennai.
- 3.The Chairman & Managing Director,
National Highways Authority of India,
New Delhi.
- 4.The Authorized Officer &
Special District Revenue Officer,
(Land Acquisition-National Highways)
Dindigul.
- 5.The Regional Officer,
National Highways Authority of India,
Madurai.
- 6.The Project Director,
National Highways Authority of India,
Dindigul.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to alter the alignment in National Highways 209 from Madathukula to Puspathur as notified in Na.Ka.No.24/2017/A1/CU/2018, dated 21.03.2018.



For Petitioner : Mr.S.Muthukrishnan
For R-1 and R-3 : Mr.R.Nanda Kumar, CGSC
For R-2 and R-4 : Mr.A.K.Baskarapandian, Spl.G.P.
For R-5 and R-6 : Mr.C.Arul Vadivel @ Sekar

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ORDER**(Order of the Court was made by M.M.SUNDRESH,J.)**

This Writ petition has been filed seeking a direction to the respondents to alter the alignment in the National Highways 209 from Madathukulam to Puspathur as Public Interest Litigation.

2.On an earlier occasion, the very same learned counsel filed a Writ petition in W.P.(MD)No.11744 of 2018 on behalf of Ottanchathiram Taluk Water Bodies Protection Agriculturist Welfare Association and the Writ petition has been dismissed on 04.07.2018.

3.The learned counsel appearing for the petitioner would submit that the notification has not been challenged in the present case.

4.We are unable to countenance with the said submission made. As rightly submitted by the learned Additional Government Pleader appearing for the respondent Nos.3, 5 and 6, this is a re-litigation at different form. Even in the earlier Writ petition, the contention was raised with respect to the re-alignment. A specific averment has been made followed by the submission of the learned counsel for the petitioner that agricultural lands would be affected. Now on the very same plea, with some modification, the present Writ petition has been filed.

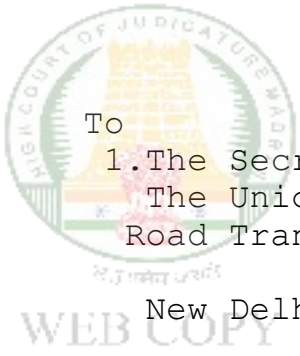
5.We do not find any merit in this Writ petition. Making alignment and laying road is the exclusive domain of the respondents concerned, for which, this Court has got very little to say. Accordingly, this Writ petition is dismissed. No costs. Consequently, connected W.M.P.is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-IV)



To

1. The Secretary,
The Union Of India,
Road Transport & Highways Department,
of Road Transport and Highways,
New Delhi.
2. The Secretary,
Government of Tamilnadu,
Highways Department, Chennai.
3. The Chairman & Managing Director,
National Highways Authority of India,
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4. The Authorized Officer &
Special District Revenue Officer,
(Land Acquisition-National Highways)
Dindigul.
5. The Regional Officer,
National Highways Authority of India,
Madurai.
6. The Project Director,
National Highways Authority of India,
Dindigul.

+1CC TO MR.C.ARUL VADIVEL @ SEKAR ADVOCATE IN S.R.NO.79967.
+1CC TO MR.R.NANDHA KUMAR ADVOCATE IN SR.NO.80216.
+1CC TO SPECIAL GOVERNMENT PLEADER IN SR.NO.80336.

NBJ

DS SV SAR-4 :03.1.02018: 3P/10C

W.P. (MD) No.18488 of 2018

24.08.2018