



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) Nos.21325 and 21536 of 2018

and

W.M.P. (MD) .Nos.19194, 19424 and 19425 of 2018

W.P. (MD) No.21325 of 2018

M.Munian

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai 20.

2. The District Revenue Officer,
Madurai District,
Madurai 20.

3. The Project Director,
National Highways Authority of India,
P.I.U., New No.6 (Old No.44), I Floor,
III Main Road, Ponnagar,
Tiruchirapalli 625 001.

4. The Assistant Divisional Engineer (H),
Projects Sub Division I, Madurai
National Highways Authority of India,
P.I.U., New No.6 (Old No.44), I Floor,
III - Main Road, Ponnagar,
Tiruchirapalli 625 001.

5. Eagle Deep,
Trichy Bypass Tollways India Private Limited,
Boothakudi Toll Plaza, Viralimalai,
Pudukottai 621 316.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the impugned eviction notice dated 28.09.2018, issued by the fifth respondent and another impugned eviction notice dated 04.10.2018 issued by the fourth respondent and quash the same.

For Petitioner

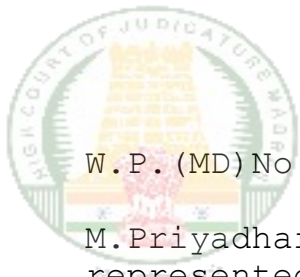
For R1 & R2

: Mr.M.Munian

: Mr.VR.Shanmuganathan

Special Government Pleader

: Mr.C.Arulvadivel @ Sekar



W.P. (MD) No. 21536 of 2018

M. Priyadharshini

represented through her mother and power agent

M. Radhamani.

... Petitioner

Vs.

1. The District Collector,
Madurai District.
2. The District Revenue Officer,
The Competent Authority,
Land Acquisition for National Highways &
Madurai District, Tamil Nadu.
3. The Special Tahsildar (L.A.),
National Highways 45-B,
Unit I, Office of the District Collector,
Madurai -20.
4. M/s. Eagle Deep,
Trichy Bypass Toll ways India Private Limited,
Boothakudi Toll Plaza, Viralimalai,
Pudukottai 621 316.
5. The Assistant Divisional Engineer (H),
Project Sub Division - I, Madurai.
6. The Project Director,
National Highways Authority of India,
(Ministry of Road Transport and Highways),
Office of the Project Director, P.I.U.,
New No.6 (old No.44), First Floor,
III Main Road,
Ponnagar,
Tiruchirapalli 620 001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records maintained by fourth and fifth respondents based on which the impugned notices EDTBTIPL/NH45B/2018/149, dated 28.09.2018 and 04.10.2018 and to quash the same as illegal and contrary to law and consequently to direct the fourth and fifth respondents not to remove the structures situated in Survey No.5/23 in Melamadai Village II bit in Madurai District.

For Petitioner
For R1 to R3 & R5

For R6

: Mr.A.R.Sethupathy
: Mr.VR.Shanmuganathan
Special Govt. Pleader
: Mr.Arulvadivel @ Sekar



C O M M O N O R D E R
[Order of the Court was made by T.RAJA,J.]

These writ petitions have been filed challenging the impugned proceedings dated 28.09.2018, calling upon the petitioners to remove the encroachments within seven days from the notice, failing which, the petitioners were informed that the respondents will remove the encroachments with the help of police.

2. Mr.Arulvadivel @ Sekar, learned counsel appearing for National Highways fairly submitted that the impugned proceedings should be recalled and they would issue fresh notice under Section 26(2) of the Control of National Highways (Land and Traffic) Act, 2002.

3. Recording the statement made by the learned counsel for National Highways, both the writ petitions are disposed of giving liberty to the respondent No.3, the Special Tahsildar (L.A.), National Highways 45-B, Unit - I, Office of the District Collector, Madurai -20, to issue a fresh notice under Section 26(2) of the Control of National Highways (Land and Traffic) Act, 2002. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-II)

To

1. The District Collector,
Madurai District.
2. The District Revenue Officer,
The Competent Authority,
Land Acquisition for National Highways &
Madurai District, Tamil Nadu.
3. The Special Tahsildar (L.A.),
National Highways 45-B,
Unit I, Office of the District Collector,
Madurai -20.

+1cc to Mr.T.R.SUBRAMANIAN, Advocate, SR.No.90492

+1cc to Mr.M.MUNIAN, Advocate, SR.No.90491

+1cc to Mr.C.ARUL VADIVEL@SEKAR, Advocate, SR.No. 90548

+1cc to M/s.Special Government Pleader,SR.No. 90828

W.P. (MD) Nos.21325 and 21536 of 2018