



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 11677 of 2009

and

M.P. 1 of 2009

N.Ramasamy Gounder

... Petitioner

Vs

1. The Competent Authority and  
Special District Revenue Office (LA),  
National Highways - 68  
(Salem Ulundurpet),  
Salem - 4.

2. Government of India,  
rep. by its Secretary to  
Government,  
Ministry of Shipping Road Transport  
and Highways,  
Department of Road Transport and  
Highways, Shastri Bhavan  
R.P. Road, New Delhi.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring Sec.3(J) and Sec.3(G)(5) of the National Highways Act, 1956 as discriminatory, ultra vires and unconstitutional.

For Petitioner : Mr.P.Jagadeesan

For Respondents: Mr.W.Richard for R1

Mr.J.Madanagopal Rao for R2

O R D E R

This Writ Petition has been filed seeking a declaration to declare Section 3(J) and Section 3(G)(5) of National Highways Act, 1956 as discriminatory, ultra vires and unconstitutional.



2. The prayer in this Writ Petition challenging Sec.3(J) of the National Highways Act is quashed and the said provision was declared as unconstitutional in view of the decision of this Court in W.P.No.15699/2010 batch and the same was confirmed by the Hon'ble Apex Court in Civil Appeal Nos.159 and 160 of 2018.

3. In view of the above, this Writ Petition is allowed only in so far as challenging Section 3(J) of National Highways Act and other parts of the prayer is rejected. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-  
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

rpp

To

1. The Competent Authority and  
Special District Revenue Office (LA),  
National Highways - 68  
(Salem Ulundurpet),  
Salem - 4.
2. Secretary to Government,  
Government of India,  
Ministry of Shipping Road Transport  
and Highways,  
Department of Road Transport and  
Highways, Shastri Bhavan, R.P. Road New Delhi.

+1 CC to Mr.P.Jagadeesan, Advocate sr 60612.

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and  
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JP(CO)  
SP(19/08/2019)