

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19603 of 2009

&

M.P.Nos.2 & 3 of 2009

1.Chinnasamy

2.Kamatchi Ammal

...Petitioners

Vs.

1. Union of India,
Rep. By the Secretary to the Central Government,
New Delhi.

2. The National Highways Authority of India,
Project Director,
Karur.

3. The District Collector, Trichy,

4. The District Revenue Officer, Trichy.

5. The Superintendent Engineer,
R.C.Division, PWD,
Cantonment, Trichy.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the records on the file of the 1st respondent in proceedings in Na.Ka.No.C4/29527/07 and dated 18.07.2009 published in Daily Thanthi on 20.07.2009 and consequential proceedings of the 4th respondent in Na.Ka.No.C4-29527-07 dated 26.08.2009 and quash the same.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.Karthikeyan for R1

Mr.Richardson Wilson for

M/s.P.Wilson Associates for R2

Mr.M.Elumalai for R3 to R5, G.A.,

ORDER

The petitioner has filed this writ petition, seeking the following relief:-

"To issue a writ of Certiorari to call for the records on the file of the 1st respondent in proceedings in Na.Ka.No.C4/29527/07 and dated 18.07.2009 published in Daily Thanthi on 20.07.2009 and consequential proceedings of the 4th respondent in Na.Ka.No.C4-29527-07 dated 26.08.2009 and quash the same.."

2.The learned counsel appearing for the National Highways Authority of India would submit that the issue involved in this writ petition came up before the Madurai Bench of this Court in W.P.(MD).No.7390 of 2009 dated 07.08.2009, wherein the impugned notification was upheld, in which paragraph -6 of the order reads as follows:

"6. In view of the above submissions, we dispose of the writ petition with the following directions:

(a) the petitioners, apart from the objections already submitted through their counsel on 21.07.2009, shall also submit any additional objections if they so desire on or before 10.08.2009.

(b) the competent authority shall consider the objections and also give an opportunity of hearing to the land owners as well as the representatives of the petitioners association before passing any order, and thereafter the competent authority shall pass appropriate orders.

© till orders are passed, the respondents cannot exploit a water resource and defeat the very object of providing opportunity to raise objections."

3.It is submitted by the learned counsel appearing for the National Highways Authority of India that after the scheme was implemented, declaration under Section 3 D of the Highways Act, 1956, was published and the compensation was also paid to the concerned land owners.

4.In view of the above submission of the learned counsel for the second respondent, nothing further survives for adjudication in this writ petition and accordingly, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar
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To

1. The Secretary to the Government of India,
New Delhi.
2. The National Highways Authority of India,
Project Director, Karur.
3. The District Collector, Trichy.
4. The District Revenue Officer, Trichy.
5. The Superintendent Engineer,
R.C.Division, PWD,
Cantonment, Trichy.

+1cc to Mr.V.Raghavachari, Advocate SR.No.63755

+1cc to Mr.Wilson Associates, Advocate SR.No.62654

+1cc to Government Pleader SR.No.63378

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&
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LN(CO)
GMY(26/08/2019)

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