



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Twenty Third day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
and
The Hon`ble Mr.Justice S.S.SUNDAR

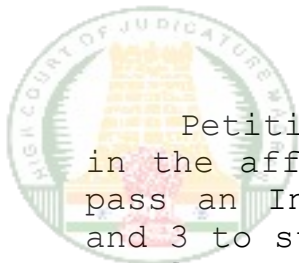
WMP(MD) No.3943 of 2019
IN
WP(MD) No.4868 of 2019

A.IRULANDY

... PETITIONER

Vs

- 1 THE GOVERNMENT OF INDIA,
REP. BY THE COMMISSIONER,
THE NATIONAL HIGHWAYS AUTHORITY OF INDIA,
MINISTRY OF ROAD TRANSPORT AND HIGH WAYS,
NEW DELHI.
 - 2 THE REGIONAL OFFICER,
THE NATIONAL HIGHWAYS AUTHORITY OF INDIA,
GOVERNMENT OF INDIA,
MINISTRY OF ROAD TRANSPORT & HIGHWAYS,
2ND & 3D FLOOR, VIJAYA KRISHNA PLAZA,
NO.1, LAKE AREA , MADURAI MAIN ROAD,
MATTUTHAVANI, MADURAI-07.
 - 3 THE REGIONAL PROJECT DIRECTOR
THE NATIONAL HIGHWAYS AUTHORITY OF INIDA,
GOVERNMENT OF INDIA,
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
PLOT NO.3, SURYA TOWERS SECOND FLOOR,
EAST 1ST STREET, K.K.NAGAR, MADURAI-625 020.
 - 4 THE GOVT. OF INDIA,
REP. BY ITS SECRETARY,
MINISTRY OF ENVIRONMENT AND FOREST,
PARYAVASH BHAWAN, C.D.O.COMPLEX,
LODHI ROAD, NEW DELHI-110 003.
 - 5 THE SECRETARY,
MINISTRY OF ENVIRONMENT AND FOREST SECRETARIAT,
GOVT. OF TAMIL NADU, CHENNAI-9.
- ... RESPONDENTS



Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an Interim Order of Injunction restraining the Respondents 2 and 3 to stop further proceeding with the works in the Project cites namely one on the Natham Highways Road starting from behind the Fortune Pandiyan Hotel to Chettikulam Village and another one on the Bye-Pass Road from Vigai River Bridge Road to Palanganatham junction, so that the further loss of Government fund could be avoided pending disposal of the Writ Petition.

Prayer in WP(MD). 4868/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, directing the respondents authority to drop the proposed construction of two High Ways Road fly-over projects namely one on the Madurai to Natham Road starting from behind the Fortune Pandyan Hotel and ending at Chettikulam Village and another on the Bye-pass Road from Vaigai River Bridge to Palanganatham Junction.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.N.S.PONNAIAH, Advocate for the petitioner and of Mr.C.ARUL VADIVEL @ SEKAR, Advocate for R2 & R3 and Mrs.S.SRIMATHY, Special Government Pleader for R5, the court made the following order:-

(Order of the Court was made by **S.S.SUNDAR, J**)

Heard both sides.

2.It is brought to our notice that similar writ petition filed earlier has been dismissed on merits. The project, which was conceived with the cost of several crores, is in process. Substantial work has already been commenced and the work is in progress.

3.In such circumstances, this Court is not inclined to grant any interim injunction as prayed for by the petitioner.

4.Therefore, this civil miscellaneous petition is dismissed. No costs.

5.Post the main writ petition in usual course.

sd/-
23/04/2019

/ TRUE COPY /



TO

1 THE COMMISSIONER,
THE GOVERNMENT OF INDIA,
THE NATIONAL HIGHWAYS AUTHORITY OF INDIA,
MINISTRY OF ROAD TRANSPORT AND HIGH WAYS,
NEW DELHI.

2 THE SECRETARY,
THE GOVT. OF INDIA,
MINISTRY OF ENVIRONMENT AND FOREST,
PARYAVASH BHAWAN, C.D.O.COMPLEX,
LODHI ROAD, NEW DELHI-110 003.

3 THE SECRETARY,
MINISTRY OF ENVIRONMENT AND FOREST SECRETARIAT,
GOVT. OF TAMIL NADU, CHENNAI-9.

ORDER
IN
WMP (MD) No.3943 of 2019
IN
WP (MD) No.4868 of 2019
Date :23/04/2019

MS/MMS/SAR-4/29.04.2019/3P.4C