



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)Nos.1035 and 1036 of 2019
and
C.M.P. (MD)No.9433 and 9436 of 2019

1.Arun Kuamr
2.Harish ... Appellants in W.A.(MD)No.1035 of 2019/Petitioner
1.Rajendran ... Appellant in W.A.(MD)No.1036 of 2019/Petitioner

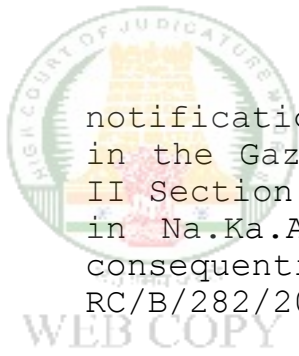
Vs.

- 1.The Government of India,
Rep. by its Secretary,
Ministry of Road Transport and Highways,
Transport Bhavan, No.1, Parliament Street,
New Delhi.
- 2.The District Collector,
Trichy District, Trichy.
- 3.The Competent Authority cum
Special District Revenue Officer,
Land Acquisition (NH 227), Trichy.
- 4.The Project Director,
National Highways Authority of India,
Project Implementation Unit,
Plot No.26, 1st Floor, VGP Nagar West,
Vazhuthareddy Post,
Vilupuram-605 401. ..Respondents in both Appeals/Respondents

COMMON PRAYER: Writ Appeals are filed under Clause 15 of the Letter Patent Act, to set aside the order made by this Court in W.P. (MD) Nos.20670 and 20671 of 2016 dated 12.02.2019.

Common Prayer in WP(MD).Nos.20670 & 20671 of 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of



notification issued by the 1st Respondent dated 14.07.2016 published in the Gazette of India (Extraordinary) No. 1770, SO 2417 (E) Part II Section 3 (ii) and the impugned proceedings of the 3rd respondent in Na.Ka.A/Tmva/NiA/Tha.Nay-227/444/2015 dated 27.07.2016 and the consequential impugned proceedings of the 3rd respondent in RC/B/282/2016 dated 22.09.2016 and quash the same as illegal.

For Appellant : Mr.Ajmal Khan
Senior counsel for Mr.M.Mahaboob Athiff

For R1 : Mr.V.Malaiyendran
Central Government Standing Counsel

For R2 and R3 : Mr.A.K.Baskara Pandian
Special Government Pleader
(in both petitions)

For R4 : Mr.C.Arul Vadivel @ Sekar

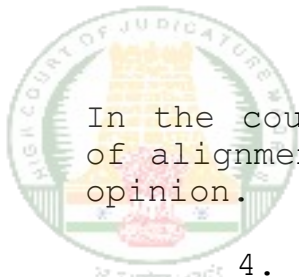
COMMON JUDGMENT

[Judgment of this Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.Ajmal Khan learned Senior counsel for Mr.M.Mahaboob Athiff, learned counsel appearing for the appellants, Mr.V..Malaiyendran, learned Central Government Standing Counsel for the first respondent and Mr.A.K.Baskara Pandian, learned Special Government Pleader for the second and third respondents. By consent on either side, this writ appeal is taken up for final disposal.

2. These appeals are directed against the order passed in W.P.(MD)Nos.20670 and 20671 of 2016 dated 12.02.2019. The appellants challenge the land acquisition proceedings initiated for the purpose of forming national highway. Acquisition was challenged primarily on three grounds that the notification issued under the National Highways Act was vague. Secondly, it was contended that there was change of alignment and there was no valid reason for such change. Thirdly, it was contended that the appellants / land owners did not have adequate opportunity.

3. We have perused the notification as well as the grounds raised in the writ petitions and the counter affidavit filed by the respondent / National Highways Authority. Paragraphs 5 and 7 of the counter affidavit clearly state as to how the objections of the land owners were considered. We have perused the order passed by the Special District Revenue Officer (Land acquisition National Highway), dated 22.09.2016. Objections given by the land owners have been considered and the same have been rejected on the ground that the change of alignment was done based upon technical opinion.



In the counter affidavit the respondents have justified the change of alignment to a short distance, which is based upon the technical opinion.

4. Thus, we find that there is no error in the land acquisition proceedings and it cannot be stated that the notification issued under the provisions of the National Highways Act was very vague and untenable. Therefore, we find no ground to interfere with the orders passed in the writ petitions. Accordingly, these writ appeals fail and dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Secretary,
Ministry of Road Transport and Highways,
Transport Bhavan, No.1, Parliament Street,
New Delhi.

2.The District Collector,
Trichy District, Trichy.

3.The Competent Authority cum
Special District Revenue Officer,
Land Acquisition (NH 227), Trichy.

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-92730[F] dated 18/10/2019

+1 CC to M/s.AJMAL ASSOCIATES, (SR-92984[F] dated 18/10/2019)

ORDER MADE IN
W.A. (MD)Nos.1035 and 1036 of 2019
17.10.2019

JMN(11.11.2019) 3P : 6C