



WEB COPY

WP(MD)No. 996 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.996 of 2021

and

W.M.P. (MD) No.867 of 2021

Ganesan

.. Petitioner

Vs

1.The Regional Officer,
National Highway Authority of India,
2nd and 3rd Floor,
Vijayakrishna Plaza,
No.1, Lake Area,
Melur Main Road,
Mattuthavani,
Madurai 625 107.

2.The Project Director,
National Highway Authority of India,
Project Implementation Unit,
Madurai.

3.Kumar @ Srivaikumar

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to shift the Nest (Mini) food and beverage shop near the Etturvattam Toll Plaza to its place of original allotment as per 2 (A) (i) of the construction instructions in NHAI/GM(T)/HO/Highways Nest (Mini)/2017/108290 dated 09.11.2017 by the National Highways Authority of India within the stipulated time that may be fixed by this Court.

For Petitioner : Mrs.AL.Ganthimathi
For Respondents : Mr.C.Arul Vadivel @ Sekar

ORDER

When the matter is taken up for hearing today, Mr.C.Arul Vadivel @ Sekar, has entered appearance on behalf of the respondents and a counter affidavit has also been filed on behalf of the 2nd respondent.

2.In the counter affidavit, in paragraph Nos.11 and 12, it had been stated as follows:-

"11.It is submitted that, based on the representation received from the petitioner, the



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actual site condition has been examined and observed that the shifting of Nest Mini was done but it had been relocated by Nest (mini) operator within 200m from the Toll Plaza approach against the instructions of the 1st respondent. Hence, a letter/notice has been issued by this office on 12.02.2021 to the concerned Nest (mini) operator and instructed him to relocate the Nest (Mini) beyond 200m from the toll plaza approach. It is further submitted that, the shifted Nest (Mini) which is in front of the petitioner's land is not functioning at present.

12.It is submitted that, the process of relocation of the Nest (mini) beyond 200m of the Toll Plaza has already been initiated and the Nest (Mini) will be shifted either to its previous location or to a new location which will be in any case beyond 200m from the Toll Plaza approach. The 1st and 2nd respondents have already taken necessary action to address the prayer of the petitioner and the cause of action for the writ petition has become non-existent."

3.The above averments would state that the Nest (Mini) will be shifted either to its previous location or to a new location, which is beyond 200m from the Toll Plaza approach, which means that the Nest (Mini), which is functioning at present near to the property of the petitioner, would be shifted to the either of the aforesaid places.

4.At this, the learned counsel appearing for the petitioner requested this Court that by recording the averments as contained in paragraph Nos.11 and 12 of the counter affidavit filed on behalf of the 2nd respondent, the writ petition may be closed.

5.In view of the above averments, which are extracted supra, nothing survives for further consideration by this Court and accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)



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Mm

+1 CC to Mr.C.ARUL VADIVEL @ SEKAR, Advocate (SR-8058[F] dated 02/03/2021)

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-8091[F] dated 02/03/2021)

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VB (17.03.2021) 3P 3C