



W.P.No.35148 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.35148 of 2023

S.Bakthavatchalam

.. Petitioner

Vs.

1. The Government of India
Rep. by The Secretary to the Government
Ministry of Road Transport and Highways
Transport Bhavan, No.1, Parliament Street
New Delhi – 110 001.

2. The Secretary to the Government of India
Ministry of Law and Justice
4th Floor, A-Wing, Shastri Bhavan
New Delhi – 110 001.

3. The National Highways Authority of India
Rep. by the Chairman
G-576, Sector 10, Dwarka
New Delhi – 110 075.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Declaration, declaring that the Section 3-G(5) of the National Highways Act, 1956 as discriminatory, unconstitutional and violative of Article 14 of the Constitution of India and consequently to



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declare the Section 3-J of the National Highways Act, 1956 also as discriminatory, unconstitutional and violative of Article 14 of the Constitution of India, insofar as it relates to Sections 51 to 74 contained in Chapter VIII, of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For the Petitioner : Mr.J.Thilagaraj

For the Respondents : Mr.M.Ramamoorthy
Senior Panel Counsel
for R1 and R2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.J.Thilagaraj, learned counsel for the petitioner and Mr.M.Ramamoorthy, learned Senior Panel Counsel for respondents 1 and 2.

2. The petitioner is challenging Section 3G(5) of the National Highways Act, 1956

3. It is submitted by learned Senior Panel Counsel appearing for respondents 1 and 2 that there are other writ petitions, challenging Section 3G(5) of the National Highways Act, 1956, pending before this Court.



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4. If petitions are already pending, challenging the same provisions, then separate public interest litigation need not be entertained. In case the petitioner has a cause of action, then the petitioner can assail the same.

5. In the light of that, the writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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To

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

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