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W.P.(MD) No.12464 of 2010

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD) No.12464 of 2010

and

M.P.(MD) Nos.2 & 3 of 2010

- 1.G.Micheal Antony
- 2.A.S.Jeyaraj
- 3.M.V.Balasubramaniam
- 4.M.V.Antony
- 5.T.Muthuraj
- 6.P.Muthuselvam
- 7.M.Gnanasundaram
- 8.S.Sivakami Asari
- 9.D.Sornam
- 10.I.Kanaka
- 11.Shanthi



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12.B.Nazer Hussian

13.Muthu Nadar

14.S.Murugan

15.A.Jalaludeen

16.T.Selvaraj

17.P.Rajammal

18.M.Nagammal

19.R.Narayana Das

20.Packiam

21.R.Prathap Singh

22.C.Baby

23.V.Murugappan

24.M.Perinbam

25.Murugappan

26.Nesamony

27.A.Ganesan

28.M.Chandra

29.N.Sekar

30.Narayanan



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- 31.Kandasamy
- 32.M.Nagendran
- 33.Swamydas
- 34.Vijayakumar
- 35.S.Mark
- 36.K.Chinnappa
- 37.T.Arunachalam
- 38.Sornam
- 39.Poomani
- 40.N.Thangammal
- 41.S.Ramasamy
- 42.E.Chidambaram
- 43.P.Paramaraj
- 44.G.Mary Pushparani

... Petitioners

-vs-

- 1.The General Manager (NS-2)
National Highways Authority of India
G-526, Sector-10
Dwarka, New Delhi-110 075



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- 2.The Project Director
National Highways Authority of India
PIU-Kanyakumari
No.13, Travellers Bungalow Road
Kamaraj Nagar 1st Street
Valliyoor, Tirunelveli District
- 3.The Competent Authority /
Special District Revenue Officer
(LA-NH)
National Highways
Thiyagaraya Nagar
Tirunelveli
- 4.The Secretary
Surface and Road Transport Ministry
New Delhi
- 5.The Secretary
Ministry of Environment and Forest
New Delhi
- 6.The District Collector
Kanyakumari District
Kanyakumari
- 7.The Environmental Engineer
Pollution Control Board
Kanyakumari District
- 8.The Executive Engineer / WRO
Kothayaru Irrigation Project
Public Works Department
Kanyakumari Division
Nagercoil, Kanyakumari District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned notification issued under Section 3-A of The National Highways Act, 1956 in proceedings No.S.O.375(E), dated 15.02.2010 in so far as the lands comprised in Kulasekarapuram Village, Agasteswaram Taluk and proceedings No.S.O.399(E), dated 16.02.2010 in so far as the lands comprised in Eravipudur Village, Agasteswaram Taluk, under notification issued by the third respondent published in Dhina Thanthi newspaper dated 20.03.2010 and the consequential order dated 08.07.2010 in proceedings No.Na.Ka.No.J/4/3/2010, on the file of the third respondent and quash the same and for further direction directing the respondents 1 to 4 to deviate the alignment in between KM88/800 and KM 92/100 (Existing KM642/800 and KM646/238) NH47, package II, Nagercoil – Kanyakumari sketch from the existing proposed alignment in so far as the petitioners are concerned.

For Petitioners : Mr.M.P.Senthil

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India for R1, R4 & R5
Mr.D.Sadiq Raja
Additional Government Pleader for R3, R6 & R8
M/s.C.Arul Vadivel Associates for R2
Ms.Vijayakumari Natarajan for R7



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ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The notification issued under Section 3-A of The National Highways Act, 1956 is under challenge in this writ petition.

2. Learned counsel appearing for the petitioners submitted that during the pendency of this writ petition, the acquisition proceedings has been completed, award has been passed and the project has also been implemented.

3. In view of the above submission, no further adjudication is required in this writ petition. Accordingly, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[V.L.N., J.]

06.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The General Manager (NS-2),
National Highways Authority of India,
G-526, Sector-10,
Dwarka,
New Delhi-110 075.
- 2.The Competent Authority /
Special District Revenue Officer,
(LA-NH),
National Highways,
Thiyagaraya Nagar,
Tirunelveli.
- 3.The Secretary,
Surface and Road Transport Ministry,
New Delhi.
- 4.The Secretary,
Ministry of Environment and Forest,
New Delhi.
- 5.The District Collector,
Kanyakumari District,
Kanyakumari.
- 6.The Executive Engineer / WRO,
Kothayaru Irrigation Project,
Public Works Department,
Kanyakumari Division,
Nagercoil, Kanyakumari District.



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V.LAKSHMINARAYANAN, J.

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