



W.P.(MD) No.5850 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.5850 of 2023
and
W.M.P.(MD) No.5415 of 2023**

Murugeswari

... Petitioner

-VS-

- 1.The Chief of National Highway Authority
Office of the Chief of National Highway
Authority of India, Delhi-110 001
- 2.Project Director
National Highway Authority of India
National Highway-49
(Extension New No:85)
Madurai District
- 3.The Divisional Engineer
Office of the Divisional Engineer
National Highway Authority
Madurai District
- 4.The District Collector
District Collector Office
Madurai District



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5.The Competent Authority cum
Special District Revenue Officer
National Highway
National Highway-49
(Extension New No:85)
Madurai District

6.The Revenue Divisional Officer
Office of the Revenue Divisional
Madurai South, Madurai District

7.The Divisional Engineer
Office of the Divisional Engineer
National Highway Authority
Madurai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the entire relevant records relating to the impugned order passed by the seventh respondent in letter No.: 1922/2022/E.va.A.1/dated:27.02.2023, and quash the same as illegal and consequently direct the respondents to prepare the same project in nearby alternative places in Barren lands and Agriculture lands from 100-feet of the proposed land acquisition Notification in Na.Ka.No:122/2018/D, dated: 24.07.2019, based on the representation of the petitioner on 17.09.2019 and 03.03.2023, within a time stipulated by this Court.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.P.Thilakkumar
Government Pleader for R4 to R6



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.Thilakkumar, learned Government Pleader, takes notice for the respondents 4 to 6.

2. Challenge in this writ petition is to the order, dated 27.02.2023, issued by the Divisional Engineer, National Highway Authority, Madurai, rejecting the request of the petitioner to relocate the bypass road on the National Highway No.49 between KM6/850 and 10/4, namely, Madurai Atchampathu -Virattipathu bypass road.

3. The Divisional Engineer of the National Highways Authority has rejected the request of the petitioner, on the ground that the National Highways Authority has carried out a survey and determined the present location, where there would be a minimum damage to the agricultural lands as well as buildings. Location of bypass roads is a policy decision of the authorities. Courts, which do not possess expertise, cannot interfere with the policy decision, unless it appears to be *mala fide* or otherwise legally flawed. Hence, we see no reason to entertain this writ petition.



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4. Learned counsel for the petitioner would contend that there are some irregularities in the land acquisition proceedings. If it is so, it is open to the petitioner to challenge the land acquisition proceedings in the manner known to law.

5. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

17.03.2023

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

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To:

- 1.The District Collector,
District Collector Office,
Madurai District.
- 2.The Competent Authority cum
Special District Revenue Officer,
National Highway,
National Highway-49,
(Extension New No:85),
Madurai District.



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3.The Revenue Divisional Officer,
Office of the Revenue Divisional,
Madurai South, Madurai District.



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