



CONT.P.(MD)No.567 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

CONT.P.(MD)No.567 of 2020

M.Ravindran

... Petitioner

Vs.

- 1.Mr.P.A.Ravichandran,
The Project Director,
Project Implementation Unit,
National Highways Authority of India,
No.54, 1st Floor, Natarajapuram Colony,
Medical College Road,
Thanjavur.
- 2.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Highways and Small Ports (Hvi) Department,
Fort St. George, Secretariat,
Chennai - 600 009.
- 3.The District Collector,
District Collector Office Complex,
District Collectorate,
Tiruchirapalli - 1.



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4. The Authorised Officer and Special
District Revenue Officer (Land Acquisition),
Nh-67 (Thanjavur – Tiruchirapalli),
District Collector Office Complex,
District Collectorate, Tiruchirappalli-1.

...Respondents

[R2 to R4 Impleaded vide Order dated 30.09.2020]

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent/contemnor for wanton and willful disobedience of the common order passed by this Court in W.P.(MD)No.18245 of 2014 dated 15.10.2019.

For Petitioner	: Mr.D.Selvanayagam
For R1	: Mr.R.Rajagopal
For R2	: Mr.N.Satheesh Kumar, Additional Government Pleader

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

This contempt petition has been filed alleging disobedience of the order dated 15.10.2019 passed in W.P.(MD)No.18245 of 2014. The order passed by this Court reads as under:

“13. In the light of the above stand, we are of the considered view that the land acquisition proceedings should proceed at the first instance



based on the proposal given by the Highways Department. We are conscious of the fact that the National Highways Authority of India has been taking a consistent stand that the minimum road width required is 60 meters. In fact, this is the strenuous submission of Dr.R.Rajagobal, learned standing counsel appearing for the National Highways Authority of India. However, what we are concerned in these cases, more particularly, in the cases pertaining to public interest litigation, is to ensure that service road is formed properly as it is reported that several fatal accidents are occurring in the concerned locality. As on date, there is no legal impediment for the land acquisition proceedings to be completed and award to be passed. Therefore, we dispose of W.P.(MD) Nos.8211 of 2016 and 18245 of 2014 by directing the National Highways Authority to proceed with the land acquisition process and by restricting the required extent to the extent as mentioned in the report of the Chief Engineer, Construction & Maintenance, Highways Department, Chennai, dated 16.08.2019, for the present and if need arises later, further steps can be taken. The Deputy Revenue Officer, who has been deputed as the Project Officer, National Highways Authority of India, shall take expeditious steps to pass award and it is well open to the Authority to restrict the extent to be acquired as indicated in the proposal of the Chief Engineer, Construction & Maintenance, Highways Department, Chennai.

14. Considering the fact that the matter has unnecessarily been dragged on from the year 2014, which in our considered opinion, without any valid cause, it is a high time for the National Highways Authority to



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take expeditious steps to complete the above exercise and we hope and trust that the service road will be formed within a period of six months from today (i.e. 15.10.2019).

15. In the light of the above, W.P.(MD) Nos.8211 of 2016 and 18245 of 2014 are delinked from W.P.(MD) Nos.17268, 18244, 18247, 18248 & 18249 of 2014.”

2. With reference to the order passed by this Court, the first respondent, Project Director of National Highways Authorities of India filed counter affidavit expressing their difficulties to complete the project within a period of six months and para 25 of the counter affidavit reads as under:

“ 25. I further submit that the project is not a small project and it will take time for land acquisition procedure and huge money is involved and invested by the Government of Tamilnadu and Government of India. During the Coronavirus pandemic period labours and officers are not able to do the work in full swing After coronavirus period is over the project of formation of Service Road and its process will be done in a speedy manner as per the NHAI Act. Further it is submitted that the Service Road has to be constructed on both sides along with 5Nos of Vehicular Underpasses & its approaches and 1no of Foot Over Bridge. Since these structures are to be constructed in a busy road it will take minimum 18 to 24 months for completion. Hence, the above work could not be completed in six months



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time. Hence the Hon'ble court may be pleased to illumine and to dismiss the contempt petition (MD) No. 567 of 2020.”

3.The learned Additional Government Pleader appearing on behalf of the State brought to our notice that three other writ petitions in W.P.(MD)Nos.1837, 1810 and 1845 of 2021 are pending and an interim order of status quo has been granted. Hence, this project is unable to be completed in respect of three kilometers.

4.In view of the above submission, the authorities are required to initiate necessary action to dispose of those writ petitions for completion of project as expeditiously as possible.

5.This contempt petition stands closed with the above observations.

(S.M.S., J.) & (V.L.N., J.)
06.12.2023

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