

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13429 of 2015
and
M.P.(MD)Nos.1 & 2 of 2015

Thomas Xavier

... Petitioner

Vs.

1.The Secretary,
Ministry of Transport and Highways,
New Delhi.

2.The Special District Revenue Officer (Land Acquisition)
National Highways,
299/A1, A2-3rd Middle Street,
Thiyagarajar Nagar,
Tirunelveli-11.

3.The Project Director,
National Highways Authority of India,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the notification passed by the respondents under Sub Section (1) of Section 3D of National Highways Act 1956 (48 of 1956) in S.O.2913 (E) dated 9.12.2010 and quash the same.

For Petitioner : Mr.K.Guhan

For Respondents : Mr.K.Govindarajan
DSGI for R1

: Mr.C.Arul Vadivel @ Sekar
Senior Counsel for
M/s.C.Arul Vadivel Associates for R3

: Mr.N.Satheesh Kumar
Additional Government Pleader for R2

ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the notification issued by the National Highways under Section 3 D (1) of the Act. Subsequently, the award has been passed. It has been held that when once award has been passed, the writ court cannot entertain the challenge to the notification under Section 3 D (1) of the Act. 3. The learned standing counsel for the National Highways relies on the decision reported in *AIR 2000 SC 671 (Municipal Council, Ahmednagar Vs. Shah Hyder Beig and others)*.

4. Respectfully applying the said ratio, I dismiss the writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

05.09.2023

Index : Yes / No
Internet : Yes/ No
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To
The Special District Revenue Officer (Land Acquisition)
National Highways,
299/A1, A2-3rd Middle Street,
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G.R.SWAMINATHAN, J.

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