



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13649 of 2015 AND
M.P.(MD)No.1 of 2015

G.Dominic Babu

... Petitioner

Vs.

1. The Secretary,
Ministry of Transport and Highways,
Government of India, New India.
2. The Special District Revenue Officer(Land Acquisition),
National Highways,
No.299/A1 A2-3rd Middle Street,
Thiyagarajar Nagar,
Tirunelveli District – 11.
3. The Project Director,
National Highways Authority of India,
Tirunelveli.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling 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 Notification No.224, S.O.No.264(E) dated 7th February 2011 and quash the same.

For Petitioner : Mr.K.Guhan

For R-3 : Mr.C.Arulvadivel @ Sekar

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ORDER

The petitioner challenges the notification issued by the respondents for acquiring the petitioner's land under the National Highways Act, 1956. The challenge is in respect of notification issued under Section 3 D(1) of the Act. The notification itself was issued on 07.02.2011. Thereafter, several consequential steps have also been taken. In fact, award was passed. The petitioner was also paid the compensation.

2.In these circumstances, the writ petition of the year 2015 challenging the notification under Section 3 D (1) of the Act is not maintainable. This writ petition is barred by laches. In the decision reported in AIR 2000 SC 671(Municipal Council, Ahmednagar Vs. Shah Hyder Beig And Ors), the Hon'ble Supreme Court held that a writ petition of this nature cannot be entertained after the award was passed.



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3.The writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is dismissed.

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NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

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