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WP Nos.5039 of 2013 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2024

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WP Nos.5039, 5040, 7203, 7321, 13821, 13822, 13823, 13824 of 2013

WP No.5039 of 2013

S.ARUNACHALAM

: Petitioner

versus

- 1.UNION OF INDIA
REP. BY SECRETARY
NATIONAL HIGHWAYS DEPARTMENT
NEW DELHI
- 2.THE SECRETARY TO GOVERNMENT
GOVERNMENT OF INDIA
MINISTRY OF SHIPPING
(ROAD TRANSPORT AND HIGHWAYS)
NEW DELHI
- 3.PROJECT DIRECTOR NH-66
NATIONAL HIGHWAYS AUTHORITY OF INDIA
NO.10, GOVINDASAMY NAGAR
VAZHUDHAREDDY POST
VILLUPURAM 605 401
- 4.COMPETENT AUTHORITY



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THE SPECIAL DISTRICT REVENUE OFFICER
(LAND ACQUISITION NH 66)
NATIONAL HIGHWAYS PROJECT
KRISHNAGIRI

5.SPECIAL THASILDHAR
NH 66 ALGU UTHANKARAI
KRISHNAGIRI

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration declaring the provisions of the National Highways Act 1956 amended Act No.16/1997 herein of section 3J and 3G2 and other provision contained in 3G sub clauses referred to as the Highways Act are as illegal, null and void, unconstitutional and opposed to the public policy of our country and to invoke the provisions of the Land Acquisition 1894.

Appearances :

Mr.David Tyagaraj, for petitioner in WP Nos.5039, 5040, 7203, 7321 of 2013

Ms.K.Kumudha, for petitioners in WP Nos.13821 to 13824 of 2013

Mr.K.Srinivasamurthy, SPC, for respondents 1 and 2 in WP Nos.5039, 5040 and 13821 to 13824 of 2013

Mr.T.K.Saravanan, Government Advocate, for respondents 3 to 5 in WP Nos.5039, 5040, 7321 of 2013.

Mr.S.Diwakar, SPC, for respondents 1 and 2 in WP No.7203 of 2013

Mr.K.Karthik Jagannath, Government Advocate, for respondents 3 to 5 in WP No.7203 of 2013

Mr.Rajesh Vivekananthan, Deputy Solicitor-General, for respondents 1 and 2 in WP No.7321 of 2013



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Mr.A.Edwin Prabhakar, State Government Pleader, for respondents 3 to 5
in WP Nos.13821 to 13824 of 2013

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Counsel for petitioners states that the Apex Court in ***Union of India and another vs. Tarsem Singh and others***¹, has held that Section 3-J of the National Highways Act, 1956, is unconstitutional. Counsel says that the other provisions contained in sub-clauses of Section 3-G of the National Highways Act are held to be legal.

2. Petitions accordingly disposed of. There will be no order as to costs.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY, J.)

22.10.2024

Index : Yes/No
Neutral Citation : Yes/No

¹ 2019(9) SCC 304



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To

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NATIONAL HIGHWAYS DEPARTMENT
NEW DELHI
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MINISTRY OF SHIPPING
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