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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.03.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD)No.9897 of 2019

and

W.M.P.(MD)Nos.7752, 7753, 7754 & 7755 of 2019

Manothangaraj MLA

... Petitioner

Vs.

1.The Secretary
Ministry Of Environment And Forest New Delhi

2.The Secretary
Surface And Road Transport Ministry New Delhi

3.The Director General
National Highways Authority Of India
G5 And 6 Sector 10 Dwaraka New Delhi

4.The Chair Person
Tamil Nadu Pollution Control Board
78 Anna Salai Guindy Chennai-32

5.The Project Director
National Highways Authority Of India Piu
Nh 47 & 47b No. 314e
K.P.Rd Parvathipuram
Nagarcoil
Kanyakumari Dt



6.The District Collector
Kanyakumari District Nagercoil

7.The Executive Engineer/wro
PwD Nagercoil Kanyakumari Dt

8.The Environmental Engineer
Pollution Control Board
Nagercoil Kanyakumari Dt

9.The Competent Authority/
Special District Revenue Officer
Land Acquisition National Highways
Nh47 & 47b Observatory St.
Nagercoil Kanyakumari Dt

10.The District Forest Officer
Nagercoil Kanyakumari Dt

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notifications issued by the 8th respondent under section 3-A, of the National Highways Act, 1956 published on various dates viz.,

1.Daily Thanthi dated 20.03.2010 vide proceedings in SO 375(E) dated 16.02.2010 in so far as the notification relates to acquisition and land filling up of Tanks/Ponds in respect of Survey numbers in Re Survey Nos.287/16, 382/4 of Thiruvithancode village, Kalkulam Taluk, Re Survey Nos. 14/1, 18/2, 22, 728/4, 730/3, of Kulasekarapuram Village, Agastheeswaram Taluk and in so far as the notification relates to acquisition and filling up of earth across Canals/Odais in Re.Survey Nos. 267/9, 382/10, 403/1, 410/1, 411/6, 422/6, 423/1, 423/5, 424/1, 439/6, of



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Thiruvithancode village, Kalkulam Taluk, in Re. Survey Nos. 21/4, 24/2, 61/1, 62/1, 64/1, 68/1, 69, 74/8, 92/1, 94/5, 103/3, 187/11, 732/4, 736/2, of Kulasekarapuram Village, Agasteeswaram Taluk,

2.Daily Thanthi dated 20.3.2010 vide proceedings number S.O 399 (E) dated 16.02.2010 in so far as the notification relates to acquisition and land filling up of Tanks in respect of survey numbers in Re Survey Nos. 181/8, 181/10 of Thirupathisaram village, Thovalai Taluk and in so far as the notification relates to acquisition and filling up of earth across Canals/Odais in Re. Survey Nos. 80/1, 81/1, 84, 86/8, 92/5, 92/7, 360/4, 361/1, 361/6, 363/1, 363/7, 364/3, 365/2, 365/3, 373, 375/7, 376/6, 384/3, 389/1, 390/6, 392/29, 393/2, 394/1, 394/3, of Thirupathisaram Village, Thovalai Taluk, in Re.Survey Nos. 15/7, 16/1, 18/7, 21/1, 24/5, 24/7, 24/10, 60/5, 61/3, 78/7, 79/2, 83/1, 84, 85/1, 86/6, 92/9, 92/10, 92/11, 93/2, 185/1, 186/4, 187/1 of Eraviputhur Village, Agasteeswaram Taluk,

3.Daily Thanthi dated 10.04.2010 vide proceedings number S.O 184 (E) dated 25 January 2010 in respect of survey numbers in so far as the notification relates to acquisition and land filling up of Tanks in respect of survey numbers in Re Survey Nos. 21, 450/16, 494, 515, 589/1, 701/9, 722/1, 722/2, 722/3 of Kottaram Village, Agasteeswaram Taluk, Re Survey Nos. 68, 183 of Thamaraikulam Village, Agastheeswaram Taluk, Re Survey Nos. 153/5, 334, 753/7 of Aralvaimozhi Village, Thovalai Taluk and so far as the notification relates to acquisition and filling up of earth across Canals/Odais in Re. Survey Nos. 18/2, 24/6, 26/2, 450/19,



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453/4, 454/5, 456/8, 457/1, 457/6, 514/14, 524/1, 524/4, 524/5, 524/17, 526/3, 528/11, 529/8, 535/1, 535/10, 536/10, 583/3, 685/1, 689/1, 691/2, 691/16, 691/22, 694/5, 694/15, 695/5, 700/5, 715/4, 731/1 of Kottaram Village, Agasteeswaram Taluk, Re.Survey Nos. 70/4, 74/1, 77/10, 80/8, 81/8, 220 of Thamarikulam Village, Agasteeswaram Taluk, in Re.Survey Nos. 17, 41, 42 of Theroor Village, Agasteeswaram Taluk, Re.Survey Nos. 212, 214, 224/1, 226, 229/17, 231, 292, 336/3, 745/5, 751/5, 541, 550, 693/6, 700/20, 701/2, 701/10, 705/5, 706/1B, 707/3B of Aralvaimozhi Village, Thovalai Taluk,

4.Daily Thanthi dated 27.04.2010 vide proceedings number S.O 670 (E) dated 23 March 2010 in respect of survey numbers in so far as the notification relates to acquisition and land filling up of Tanks in respect of survey numbers in Re Survey Nos. 221/18, 263/20 of Kappiari Village, Kalkulam Taluk, Re Survey Nos. 19/7, 29/5, 29/7, 35/2 of Aloor Village, Kalkulam Taluk, Re Survey Nos. 3/1, 99/3, 146 of Nagercoil Village, Agasteeswaram Taluk and in so far as the notification relates to acquisition and filling up of earth across Canals/Odais in Re.Survey Nos. 91/20, 98/8, 107/11, 108/13, 263/1, of Kappiarai Village, Kalkulam Taluk, Re.Survey Nos. 17/1, 34/3, of Aloor Village, Kalkulam Taluk, Re.Survey Nos. 16/6, 22/2, 28/5, 30/2, 130/1, 131/7, 132/1, 133/5, 139/6, 140/3, of Nagercoil Village, Agasteeswaram Taluk.

5.Daily Thanthi dated 20.05.2010 vide proceedings number S.O 887(E) dated 20 April 2010 in respect of survey numbers in so far as the notification relates to acquisition and land filling up of earth across



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Canals/Odais in Re.Survey Nos. 54/3, 55/8, 56/1, 63/5, 64/1, 65/1, 74/1, 76/10 of Thiruppathisaram Village, Thovalai Taluk, Re.Survey Nos. 97/12 of Methukummal Village, Vilavancode Taluk,

6.Daily Thanthi dated 10.06.2010 vide proceedings number S.O 839 (E) dated 12 April 2010 in respect of survey numbers in so far as the Notification relates to acquisition and land filling up of Tanks in Re Survey Nos. 426/7 of Kalkulam Village, Kalkulam Taluk, Re Survey Nos. 397/19, 409/1, 409/3 of Thovalai Village, thovalai Taluk, and in so far as the notification relates to acquisition and filling up of earth across Canals/Odais in Re.Survey Nos. 387/1, 393/8, 394/17, 423/2, 424/18, 426/15 of Kalkulam Village, Kalkulam Taluk, Re.Survey Nos. 395/4, 396/3, 446/1, 448/7, 448/9, 490/2,490/3, 491/1, 498, 501, 599, 605/2, 615/3, 625/6, 728, 729, 795/1 of Thovalai Village, Thovalai Taluk,

7.Daily Thanthi dated 10.06.2010 vide proceedings number S.O 799 (E) dated 9 April 2010 in respect of survey numbers in so far as the notification relates to acquisition and land filling up of earth across Canals/Odais in Re. Survey Nos. 607/3, 652, 655/1, 656, 662 of Valvachakostam Village, Kalkulam Taluk, Re.Survey Nos.941/1, 942/5, 943/8, 944/3, 944/13, 948/3, 956/8, 957/7, 958/2, 959/1, 960/1, 963/5, 1032/5, 1033/7, 1034/1, 1041/7, 1042/1, 1042/6, 1042/7,,1090/1, 1097/1, 1098/8, 1100/7, 1153/1, 1154/1, 1157, 1167/6, 1167/13, 1169 of Theroor Village, Agasteeswaram Taluk.



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8.Daily Thanthi dated 11.07.2010 vide proceedings number S.O 1392(E) dated 10 June 2010 in respect of survey numbers in so far as the notification relates to acquisition and land filling up of Tanks in respect of survey numbers in Re Survey Nos. 287/3, 410/10 of and in so far as the Kunnathoor Village, Vilavancode Taluk notification relates to acquisition and filling up of earth across Canals/Odais in Re.Survey Nos. 275/1, 287/4, 300/5, 300/17, 303/1, 305/6, 411/2, 420/3, 421/15 of Kunnathoor Village, Vilavancode Taluk,

9.Daily Thanthi dated 14.08.2010 vide proceedings number S.O 1391 (E) dated 10 June 2010 in respect of survey numbers in so far as the notification relates to acquisition and land filling up of Tanks in respect of survey numbers in Re Survey Nos. 548, 576/1, 576/2, 577, 662/1, 662/2, 675/1, 675/3, 675/4, 678/3, 683/2, 683/3, 817/2,831/1,832/1,832/5,832/6,833/2 839/4 of Villukuri Village, Kalkulam Taluk, Re Survey Nos. 36/12 of Kulapuram Village, Vilavancode Taluk and in so far as the notification relates to acquisition and filling up of earth across Canals/Odais in Re.Survey Nos. 521, 544/1, 545/10, 551/18, 658, 678/7, 681/6, 817/4, 817/6, 817/7, 837/11, of Villukuri Village, Kalkulam Taluk, Re.Survey Nos.27, 31, 32/13, 36/13, 37/1, 38, 42, 72, 73/20, 74/3, 76/6, 85/10, 86/19, 86/21, 99/10, 101/21, 104/11, 105/6, 105/9, 244/1, 245/1, 254/1, 255/1, 258, 264/19, 265/17, 265/18, 267/15, 268/26, 466/2, 480/10, 496/16 of Kulapuram Village, Vilavancode Taluk,



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10.Daily Thanthi dated 14.08.2010 vide proceedings number S.O 1220 (E) dated 25 May 2010 in respect of survey numbers in so far as the notification relates to acquisition and land filling up of Tanks in respect of survey numbers in Re Survey Nos. 23/15, 288/11, 307/22, 342/6, 377/2, 398/2, 663/9, 691/12, 697/7, 698/8, 791 of Eraniel Village, Kalkulam Taluk, in Re Survey Nos. 298/1, 620/1, 701/1, 721/3, of Vadasery Village, Agastheeswaram Taluk and in so far as the notification relates to acquisition and filling up of earth across Canals/Odais in Re.Survey Nos. 288/6, 292/1, 293/4, 341/1, 343/7, 344/10, 364/5, 365/5, 378/12, 392/6, 396/1, 397/1, 398/2, 656/17, 657/15, 659/3, 660/16, 664/2, 665/4, 695/20, 788/5, 789/23, of Eraniel Village, Kalkulam Taluk Re.Survey Nos. 269/3, 296/12, 301/1, 302/1, 308, 310, 311, 323/3, 324/3, 338, 379/2, 387/4, 388/3, 389/10, 572/1, 587, 589/1, 590/1, 591/1, 592/1, 594/9, 639, 640/3, 663/1, 666, 667, 671/3, 673/1, 692, 693, 700/9, 706/2, 707/1, 707/7, 709/7, 714/1, 722/19 of Vadasery Village, Agasteeswaram Taluk.

11.Daily Thanthi dated 30.03.2016 vide proceedings number S.O 1125 (E) dated 16 March 2016 in respect of survey numbers in so far as the notification relates to acquisition and land filling up of earth across Canals/Odais in Re. Survey Nos. 1/9, 7/11, 18/6, 22/2, 34/6, 35/7, 36/6, 37/5, 37/8, 49/7, 65/6, 67/8, 68/1, 68/12, 71/5, 76/1, 76/8, 77/9, 77/11, 80/4, 81/8, 90/9, 91/4 of Therekalputhur Village, Agastheeswaram Taluk.

12.Daily Thanthi dated 29.04.2016 vide proceedings number S.O 1459 (E) dated 19 April 2016 in respect of survey numbers in so far as the



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notification relates to acquisition and land filling up of Tanks in respect of survey numbers in Re Survey Nos. 271/2, Kollanji Village, Vilavancode Taluk and in so far as the notification relates to acquisition and filling up of earth across Canals/Odais in Re.Survey Nos.256/6, 270/5, 271/4, 272/1, 273/26, 274/5, 365/5, 373/1, 373/2 of Kollanji Village, Vilavancode Taluk.

13. Daily Thanthi dated 18.05.2016 vide proceedings number S.O 1696 (E) dated 10 May 2016 in respect of survey numbers in so far as the notification relates to acquisition and land filling up of earth across Canals/Odais in Re.Survey Nos. 28, 29/2, 32/1, 33, 77/16, 80/7B, 118/29 of Nattalam B Village, Vilavancode Taluk.

Daily Thanthi dated 05.06.2016 vide proceedings number S.O 1883 (E) dated 26 May 2016 in so far as the notification relates to acquisition and land filling up of Tanks in respect of survey numbers in Re Survey Nos. 501/5, 968/11 Nattalam A, Vilavancode Taluk, and in so far as the notification relates to acquisition and filling up of earth across Canals/Odais in Re.Survey Nos. 469/2, 969/22, 970/19, 1003/6, 1005/16 of Nattalam A Village, Vilavancode Taluk, and quash the same and further forbearing the Respondents from laying road across 15 Tanks/Ponds are comprised in 1. S.No.411/3E1 of Kunnathoor Village, 2.S.No.222/3 of Kappiarai Village, 3. S.No.287/9 of Eraniel Village, 4.S.No.382/4 of Eraniel Village, 5. S.No.307/5 of Eraniel Village, 6. S.No.684 of Vilukuri Village, 7. S.No.676 of Vilukuri Village, 8. S.No. 833/1 of Vilukuri Village, 9. S.No.387/6 of Vadaseri Village, 10. S.No. 81/4 Thirupathisaram Village, 11.S.No. 146 of Thirupathisaram Village,



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12. S.No.19 of Iraviputhur Village, 13. S.No.735 of Kulasekarapuram Village, 14. S.No.450/19 of Kottaram Village, 15. S.No.467/4 of Thoivalai Village, and 71 Canals/ Odais (Nala/Drain) are comprised in S.No.39/2, 205/1, 410/3A of Kulapuram village, S.No.84/12, 139/7, 270/1A1, 368/6A, 365/5, 464/15, 1003/7, 1042/18 of Nattalam Village, S.No. 611/1A1, 655, 608/19, 830/6, 856/1B1 of Valvachakostam Village, S.No. 424/3, 408/15B of Thiruvithancode Village, S.No.382/10, 298/9, 855/6, 861/1 of Eraniel Village, S.No.423, 424 of Kalkulam Village, S.No. 545/13, 678/10, 657/5, 821/1 of Vilukuri Village, S.No.19/19, 34/5 of Allur Village, S.No.706/3A, 324/5, 376/2, 387/6 of Vadaseri Village, S.No.85/1, 132/1, 364/4, 392/21, 395/4 of Thirupathisaram Village, S.No. 943/4, 942/7, 947, 956/3, 1097/3, 1154/9 of Therur Village, S.No.8/7, 49/7, 91/6 of Nagercoil Village, S.No.78/2, 83, 79/3, 60/4 of Eraviputhur Village, S.No.103/6A1, 184, 18/1 of Kulasekarapuram Village, S.No. 524/3, 528/1, 579/5, 695/17, 8/2 of Kottaram Village, S.No.395/1, 490/1, 500/5, 596/4, 595, 606/3, 613/1, 731/3 of Thoivalai Village, S.No.218/2B1A, 227/17, 295/13, 335/1, 352/1, 754/2, 701/11 Aralvaimozhi Village which are not covered under the 3A Notifications and consequently direct the Respondents to remove the sand dumped in the Tanks/Ponds and Canals/Odais which are land filled for laying the road, thereby restoring Status Quo Ante.

For Petitioner : Mr.T.Arul

For R6, R7, R9 & R10 : Mr.D.Sasikumar,
Additional Government Pleader



For R5 : Mr.B.Naveenkumar,
for Mr.Su.Srinivasan

For R1 & R2 : Mr.R.Vijayarajan

For R8 : Mr.Madhuri Donti Reddy,
Standing Counsel

For R3 & R4 : Mr.V.Vasantha Kumar

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

When this writ petition is taken up for hearing today, ie., 04.03.2026, the learned counsel appearing for the petitioner reported that the prayer sought for in this writ petition has become infructuous and nothing survives in this writ petition.

2.Recording the same, this writ petition is dismissed as infructuous. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[N.S.K., J.] & [M.J.R., J.]
04.03.2026

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To

1.The District Collector
Kanyakumari District
Nagercoil

2.The Executive Engineer/wro
PwD Nagercoil
Kanyakumari Dt

3.The Competent Authority/
Special District Revenue Officer
Land Acquisition National Highways
Nh47 & 47b Observatory St.
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4.The District Forest Officer
Nagercoil Kanyakumari Dt



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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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