

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Twenty Ninth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Mr Justice B.PUGALENDHI

**W.P. (MD) Nos.8211 of 2016, 17268, 18244, 18245,
18247 TO 18249 OF 2014**

WP (MD) . 8211/ 2016 :

FEDERATION FOR RETRIEVAL OF TRICHY
PALPANNAI-THUVAKKUDI SERVICE ROAD,
BY ITS ORGANIZER,
M.SHANMUGAM ... Petitioner

- Vs. -

- 1 THE CHAIRMAN,
NATIONAL HIGHWAYS AUTHORITY OF INDIA LTD. NEW DELHI.
- 2 THE PROJECT DIRECTOR,
NATIONAL HIGHWAYS AUTHORITY OF INDIA LTD.
NATARAJAPURAM COLONY, THANJAVUR 4.
- 3 GOVERNMENT OF TAMILNADU,
CHENNAI, BY ITS PRINCIPAL SECRETARY,
HIGHWAYS AND SMALL PORTS DEPARTMENT,
CHENNAI 9.
- 4 THE DISTRICT COLLECTOR, TIRUCHIRAPALLI.
- 5 THE AUTHORIZED OFFICER CUM
SPECIAL DISTRICT REVENUE OFFICE,
NATIONAL HIGHWAYS AUTHORITY,
NH 67 C TANJORE - TRICHY COLLECTOR OFFICE,
TRICHY.

- 6 M.SHENBAGARAJ,
- 7 M.TAMILSELVAN,
- 8 A.KAMALARANI,
- 9 M.MUTHUKARUPPAN,
- 10 N.SHYNABANU BEEVI,
- 11 KANTHILAL P PATEL,

... Respondents

(*)RESPONDENTS 6 TO 11 ARE IMPEADED AS
PER VIDE COURT ORDER DATED 18.08.16)

Prayer in WP(MD). 8211/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records of the G.O.57 Highways and Small Ports (H.V1)Department dated 20.05.2014 and quash the same as illegal and direct the 1, 2 and 5 respondents to initiate formation of the service road from Tiruchirappalli Palpannai to Thuvakudi measuring length of 14.5 kms having width of RoW 60m.

WP (MD) . 17268/ 2014 :

1 M.SHENBAGARAJ
2 P.GANESAN
3 P.SRINIVASAN
4 M.Y.ADAM BAWA
5 R.CHANDIRAN

.... Petitioners

- Vs. -

1 THE UNION OF INDIA,
REP. BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
GOVERNMENT OF INDIA, NEW DELHI.

2 THE STATE OF TAMIL NADU,
REP. BYITS SECRETARY TO GOVERNMENT,
HIGHWAYS AND SMALL PORTS (HV1) DEPARTMENT,
FORT.ST.GEORGE, SECRETARIAT, CHENNAI 9.

3 THE AUTHORISED OFFICER AND
SPECIAL DISTRICT REVENUE OFFICER (LAND ACQUISITION)
NH 67 (THANJAVUR TIRUCHIRAPPALLI)
DISTRICT COLLECTOR OFFICE COMPLEX,
DISTRICT COLLECTORATE, TRICHY 1.

4 THE PROJECT DIRECTOR,
PROJECT IMPLEMENTATION UNIT,
NATIONAL HIGHWAYS AUTHORITY OF INDIA,
NO.54 IST FLOOR, NATARAJAPURAM COLONY,
MEDICAL COLLEGE ROAD, THANJAVUR.

... Respondents

Prayer in WP(MD). 17268/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the proceedigns viz., the Declaration made by the 1st Respondent under Sec 3D(1) of

the National Highways Act, published in the Extra Ordinary Govt. Gazette on 21.05.2014 and the Declaration made under Sec 3A(1) of the National Highways Act, published in the Extra Ordinary Govt. Gazette on 24.05.2013 and quash the same and pass such further or other orders.

WP (MD) . 18244/ 2014 :

- 1 M.TAMIL SELVAM
- 2 P.MARUTHAPPA
- 3 G.LATHA GANESAN
- 4 P.PANDIAN
- 5 K.A.GURUMURTHY
- 6 M.THANGARAJ
- 7 D.KANAGAMBAL
- 8 M.KRISHNAVENI
- 9 THANGAPAPPA
- 10 E.P.BALASUBRAMANIAN
- 11 S.ARULANADAM
- 12 P.PALANIAMMAL
- 13 T.PALANISAMY
- 14 T.S.THIRUNAVUKARASU
- 15 A.SEKAR
- 16 D.KANNANRAJ
- 17 M.AKBAR ALI
- 18 N.CHINNAMAL
- 19 C.ASAN MOHAMED
- 20 JERINA BEGAM
- 21 BATHRUNISSA BEGUM
- 22 M.K.SYED MUSTAFA
- 23 MY.Y.MUMTAJ BEGUM
- 24 NATHU K.PATIL
- 25 GOPAL K. PATIL

... Petitioners

- Vs. -
सत्यमेव जयते

- 1 THE UNION OF INDIA,
REP. BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
GOVERNMENT OF INDIA, NEW DELHI.
- 2 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY TO GOVERNMENT,
HIGHWAYS AND SMALL PORTS (HV1) DEPARTMENT,
FORT.ST.GEORGE, SECRETARIAT, CHENNAI 9.
- 3 THE AUTHORISED OFFICER AND
SPECIAL DISTRICT REVENUE OFFIER (LAND ACQUISITION)
NH 67 (THANJAVUR TIRUCHIRAPPALLI)
DISTRICT COLLECTOR OFFICE COMPLEX,
DISTRICT COLLECTORATE, TIRUCHIRAPPALLI 1.

<http://www.judis.nic.in>

4 THE PROJECT DIRECTOR,
PROJECT IMPLEMENTATION UNIT,
NHAI, NO.54, 1ST FLOOR,
NATARAJAPURAM COLONY,
MEDICAL COLLEGE ROAD,
THANJAVUR.

... Respondents

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Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the proceedings viz., the declaration made by the 1st respondent under Sec 3D(1) of the National Highways Act, published in the Extra Ordinary Govt. Gazette on 21.05.2014 and the Declaration made under Sec 3A(1) of the National Highways Act published in the Extra Ordinary Govt. Gazette on 24.05.2013 and quash the same and pass such further or other orders.

WP (MD) . 18245/ 2014 :

- 1 A.KAMALARANI
- 2 M.MOHAMED YUSUFF
- 3 M.MOHAMMED SULTAN
- 4 E. NAJEER SHERIF
- 5 AHAMED @ AMJATKHAN
- 6 M. RAVINDRAN
- 7 R. VENKAT NATH
- 8 SIVAGAN K.PATIL
- 9 P.MURUGADOSS
- 10 P.VARADARAJAN
- 11 C.BACKYARANI
- 12 G.K.ARUTCHELVAM
- 13 A.SAKUNTHALA
- 14 PURUSHOTHAM K.PATIL
- 15 K.LOGARAJAN
- 16 PUSHPANATHAN
- 17 K.SAMSATH BEGAM
- 18 MUBARAK JAN
- 19 P.ARVAZHAGAN
- 20 R.UDAYAPPAN
- 21 A.MAHESWARI
- 22 M.JAMRUTHUNISHA
- 23 A.THANGAVEL
- 24 P.NATRAYAN
- 25 T.PERIASAMY

... Petitioners

- Vs. -

- 1 THE UNION OF INDIA,
REP. BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
GOVERNMENT OF INDIA, NEW DELHI.
- 2 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY TO GOVERNMENT,
HIGHWAYS AND SMALL PORTS (HV1) DEPARTMENT,
FORT ST. GEORGE, SECRETARIAT,
CHENNAI - 9.
- 3 THE AUTHORIZED OFFICER AND
SPECIAL DISTRICT REVENUE OFFICER (LAND ACQUISITION),
NH 67 *THANJAVUR - TIRUCHIRAPALLI),
DISTRICT COLELCTOR OFFICE COMPLEX,
DISTRICT COLLECTORATE, TRICHIRAPALLI-1.
- 4 THE PROJECT DIRECTOR,
PROJECT IMPLEMENTATION UNIT,
NATIONAL HIGHWAYS AUTHORITY OF INDIA,
NO. 54, 1ST FLOOR, NATARAJAPURAM COLONY,
MEDICAL COLLEGE ROAD,
THANJAVUR. ... Respondents

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WP (MD) . 18247/ 2014 :

- 1 M.MUTHU KARUPPAN
- 2 P.PAVITHARAN
- 3 P.THIAGARAJAN
- 4 T.MALARKODI
- 5 K.BALASUBRAMANIAN
- 6 S.MUBARAK JAN
- 7 M.CHANDRAMOHAN
- 8 SP CHANDRASEKAR
- 9 S.SAMAUDEEN
- 10 M.K.MUTHU MOHAMED
- 11 S.KANDAN
- 12 P. ANGAMUTHU
- 13 M. VEERASAMY

14 C.PALANISAMY
15 CHELLAMMAL
16 N. ZHAHEER HUSSAIN
17 S. ARUPUTHASAMY
18 V.KANAKARAJ
19 K.JEEVANANDAM
20 B. THAYAMMAL
21 N. PURUSHOTHAMAN
22 PURUSHOTHAM D.PATIL
23 S. GAFFAR
24 P. GURUSAMY

... Petitioners

- Vs. -

- 1 THE UNION OF INDIA,
REP. BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
GOVERNMENT OF INDIA, NEW DELHI.
- 2 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY TO GOVERNMENT,
HIGHWAYS AND SMALL PORTS (HV1) DEPARTMENT,
FORT.ST.GEORGE, SECRETARIAT, CHENNAI 9.
- 3 THE AUTHORISED OFFICER AND
SPECIAL DISTRICT REVENUE OFFIER (LAND ACQUISITION)
NH 67 (THANJAVUR TIRUCHIRAPPALLI)
DISTRICT COLLECTOR OFFICE COMPLEX,
DISTRICT COLLECTORATE, TIRUCHIRAPPALLI 1.
- 4 THE PROJECT DIRECTOR,
PROJECT IMPLEMENTATION UNIT,
NHAI, NO.54, 1ST FLOOR,
NATARAJAPURAM COLONY,
MEDICAL COLLEGE ROAD,
THANJAVUR.

... Respondents

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Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the proceedings viz., the declaration made by the 1st respondent under Sec 3D(1) of the National Highways Act, published in the Extra Ordinary Govt. Gazette on 21.05.2014 and the Declaration made under Sec 3A(1) of the National Highways Act published in the Extra Ordinary Govt. Gazette on 24.05.2013 and quash the same and pass such further or other orders.

WP (MD) . 18248/ 2014 :

- 1 S. SYNABU BEEVI
- 2 M.K. ISMAIL
- 3 A. SAIT MOHAMED
- 4 BALAKRISHNAN
- 5 M.K. MOHAMAED RAFIQ
- 6 C. ALAUDEEN
- 7 A.S.NAJMUNNISSA
- 8 C. ASAN MOHAMED
- 9 MA. PRAHALATHAN
- 10 T.R. DATCHINAMOORTHY
- 11 A.GUNASEKARAN
- 12 P. JAGANATH
- 13 M. PALANIANDI
S/O.MARAPPA GOUNDER
- 14 M. SHEMBAGARAJ
- 15 DEIVANAI ACHI
- 16 P. SRINIVASAN
- 17 M.MUTHUKARUPPAN
- 18 M. PALANIANDI
S/O.MARAPPA GOUNDER
- 19 N. SUBRAMANIAM
- 20 V. RAMACHANDRAN
- 21 M. KALADEVI
- 22 A. SHANMUGAM
- 23 S. THIAGARAJAN
- 24 T. KRISHNAKUMAR
- 25 K.SUSEELA
- 26 K. SRIDARAN
- 27 C.K.SUMATHI
- 28 KRISHNAKUMAR

... Petitioners

- Vs. -
सत्यमेव जयते

- 1 THE UNION OF INDIA,
REP. BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
GOVERNMENT OF INDIA, NEW DELHI.
- 2 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY TO GOVERNMENT,
HIGHWAYS AND SMALL PORTS (HV1) DEPARTMENT,
FORT ST. GEORGE, SECRETARIA, CHENNAI - 9.
- 3 THE AUTHORIZED OFFICER AND
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NH 67 (THANJAVUR - TIRUCHIRAPALLI),
DIST. COLELCTOR OFFICE COMPLEX,
DIST. COLLECTORATE, TRICHIRAPALLI-1.

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NATIONAL HIGHWAYS AUTHORITY OF INDIA,
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MEDICAL COLLEGE ROAD,
THANJAVUR.

... Respondents

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WP (MD) . 18249/ 2014 :

- 1 KANTHILAL P. PATEL
- 2 M. PALANIANDI
- 3 V. SANTHANA VELU
- 4 M. MEENAMBAL
- 5 K. RAJAPPAN
- 6 M. NOOR MOHAMED
- 7 N. MOHAMED IBRAHIM
- 8 N. SHAHUL HAMEED
- 9 T. KALYANA RAMAN
- 10 LEELADAR R. PATEL
- 11 T. MUTHUVEL
- 12 P. PALANISAMY
- 13 J. ROBERT DEIVIGAN
- 14 A. SAIT MOHAMED
- 15 A. BABU
- 16 G. KALIMUTHU
- 17 T. GOWRI
- 18 J. CHANDRASEKARAN
- 19 P. JAGANATH
- 20 V. SANTHANA VELU
- 21 S. RAJAKILLI
- 22 P. DURAIRAJ
- 23 A. ARULANDASAMY
- 24 VIJALAKSHMI ELANGO
- 25 V.K. MANI
- 26 N. ARUMUGAM

... Petitioners

- Vs. -

- 1 THE UNION OF INDIA,
REP. BY ITS SECRETARY TO GOVERNMENT,
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
GOVERNMENT OF INDIA,
NEW DELHI.
- 2 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY TO GOVT.,
HIGHWAYS AND SMALL PORTS (HV1) DEPARTMENT,
FORT.ST.GEORGE, SECRETARIAT,
CHENNAI 9.

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NH 67 (THANJAVUR TIRUCHIRAPPALLI)
DISTRICT COLLECTOR OFFICE COMPLEX,
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NHAI, NO.54, 1ST FLOOR,
NATARAJAPURAM COLONY,
MEDICAL COLLEGE ROAD,
THANJAVUR.

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ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of MR.S.MUTHUKRISHNAN, Advocate for the petitioner in WP(MD) No.8211 of 2016 and M/S.MEENAKSHI GANESAN for M/S.AL.GANTHIMATHI, Advocate for the petitioner in WP(MD) Nos.18244, 17268, 18247 to 18249 of 2014 and Mr.SHANKAR MURALI, Advocate for WP (MD)No.18245 of 2014 and of MR.K.CHELLAPANDIAN, Additional Advocate General Assisted by Mr.A.K.BASKARAPANDIAN, Special Government Pleader for Tamil Nadu Government Officials in all the Petitions and DR.R.RAJAGOPAL, Advocate for R2 in WP(MD) No.8211 of 2016 and R4 in WP(MD)Nos.17268,18248 & 18249/2014 AMD MR.C.NANDAGOPAL, Central Government Standing Counsel for R1 in WP (MD)No.18248/2014 and MR.K.ASHOK KUMAR, Senior Panel Counsel for R1

in WP(MD)No.18244,18245 & 18247/2014, MR.O.AYYAR, Central Government Counsel for R1 in WP(MD)Nos.18244,18245 and R4 in WP(MD) No.18247/2014, the court made the following order:-

(Order of this Court was made by **M.SATHYANARAYANAN, J**)

These matters were listed yesterday (28.08.2019) and today (29.08.2019). Mr.K.S.Shangar Murali, learned counsel appearing for the petitioner in W.P.(MD) No.18245 of 2014, who initially made a challenge to the acquisition proceedings, seeks permission of this Court to withdraw the said Writ Petition, agreeing to the proposal especially in public interest. However, the learned counsel appearing for the petitioner in W.P.(MD) Nos.17268, 18244, 18247 to 18249 of 2014 once again prays for adjournment. It is also brought to the notice of this Court that as on today, no interim orders are in operation in these writ petition.

2.Mr.K.Chella Pandian, learned Additional Advocate General, appearing for the State also produced the communication of the Chief Engineer (H), Construction & Maintenance, Highways Department, Chennai to him in Letter No.464/Contracts 2/2017, dated 16.08.2019, wherein, it has been averred among other things that the National Highway Authority of India/Competent Authority has agreed to the proposal of 45 metre Right of Way (ROW) for the formation of service road from Thuvakudi to Palpannai on NH - 67 in Trichy District and also enumerated the facilities. It is further averred that a discussion was also made with the officials of the National Highways Authority of India and taking into consideration the safety aspect of road users a decision has been taken to acquire the lands wherever necessary to provide the facilities like Vehicular Under Passes, Foot Over Bridges and Bus bays and the requirement of Right of Way for Vehicular Under Passes and Foot Over Bridges will be 60 metres and for Bus bays (Bus stops) it is 50 metres and the right of way for normal four lane carriage way with service road on both side is 45 metres. It is further stated that in the light of the same, acquisition of the land is necessary and it is for the National Highways Authority to invoke the relevant provisions for the purpose of acquisition.

3.This Court also heard Dr.R.Rajagopal, learned Standing Counsel appearing for the National Highways Authority of India, who on instructions would submit that immediate and necessary steps will be taken by the National Highways Authority of India to acquire the land and the said submission is placed on record.

4.It is also brought to the knowledge of this Court by the petitioner in W.P.(MD) No.18245 of 2014 that there are very many encroachments, causing hindrances to the free flow of traffic and affects the pedestrians and other road users and the learned the learned Additional Advocate General appearing for the State and the learned Standing Counsel appearing for the National Highways

Authority of India assured on instructions that whatever steps required will be taken to remove the encroachments in accordance with law.

5.Call on 12.09.2019 finally and it is made clear that no further request for adjournment would be entertained under any circumstances.

sd/-
29/08/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE CHAIRMAN,
NATIONAL HIGHWAYS AUTHORITY OF INDIA LTD.
NEW DELHI.
- 2 THE PROJECT DIRECTOR,
NATIONAL HIGHWAYS AUTHORITY OF INDIA LTD.
NATARAJAPURAM COLONY,
THANJAVUR 4.
- 3 THE SECRETARY,
STATE OF TAMIL NADU,
HIGHWAYS AND SMALL PORTS (HV1) DEPARTMENT,
FORT.ST.GEORGE, SECRETARIAT,
CHENNAI 9.
- 4 THE DISTRICT COLLECTOR,
COLLECTOR'S OFFICE COMPOUND,
TIRUCHIRAPALLI-01.
- 5 THE AUTHORIZED OFFICER CUM
SPECIAL DISTRICT REVENUE OFFICE,
NATIONAL HIGHWAYS AUTHORITY,
NH 67 C TANJORE - TRICHY COLLECTOR OFFICE,
TRICHY.
- 6 THE SECRETARY, UNION OF INDIA,
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
GOVERNMENT OF INDIA,
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7 THE AUTHORISED OFFICER AND
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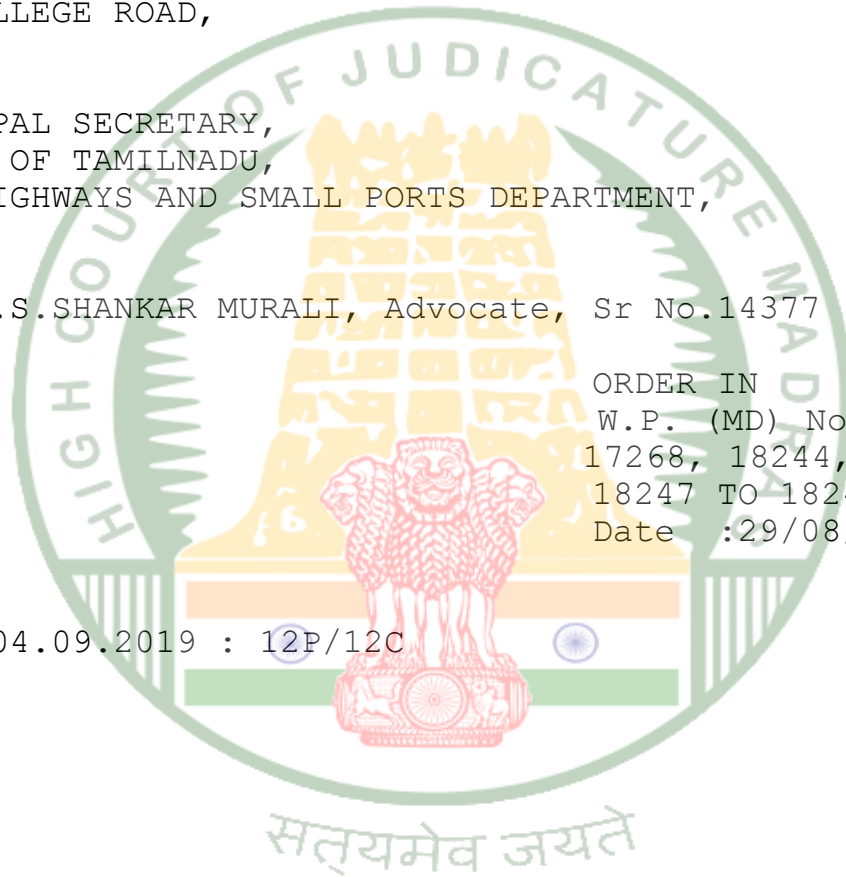
8 THE PROJECT DIRECTOR,
PROJECT IMPLEMENTATION UNIT,
NHAI, NO.54, IST FLOOR, NATARAJAPURAM COLONY,
MEDICAL COLLEGE ROAD,
THANJAVUR.

9 THE PRINCIPAL SECRETARY,
GOVERNMENT OF TAMILNADU,
CHENNAI, HIGHWAYS AND SMALL PORTS DEPARTMENT,
CHENNAI 9.

+2CC TO Mr.K.S.SHANKAR MURALI, Advocate, Sr No.14377

ORDER IN
W.P. (MD) Nos.8211 of 2016,
17268, 18244, 18245,
18247 TO 18249 OF 2014
Date :29/08/2019

SJ
PK/JC/SAR-1/04.09.2019 : 12P/12C



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