

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 31ST DAY OF JULY 2014/9TH SRAVANA, 1936

WP(C).NO. 5807 OF 2013 (A)

PETITIONERS:

1. T.A.JOY, S/O. T.D.ANTONY, AGED 56 YEARS,
THEKKUMPURAM HOUSE, P.O.KALLETUMKARA,
THRISSUR DISTRICT, PIN-680 683.
2. SIJI BAIJU,
W/O. LATE BAIJU, KARUKUTTIKKARAN HOUSE,
P.O. MANAKULANGARA, KODAKARA, THRISSUR DISTRICT.

BY ADVS.SRI.SAJU.S.A,
SRI.T.SIVADASAN,
SRI.K.C.KIRAN,
SMT.P.A.SHEEJA,
SMT.MEENA.A.

RESPONDENTS:

1. NATIONAL HIGHWAY AUTHORITY OF INDIA,
G, 5 & 6, SECTOR 10,
DWARAKA, NEW DELHI-110 075,
REPRESENTED BY ITS CHAIRMAN.
2. THE SECRETARY TO GOVERNMENT OF INDIA,
DEPARTMENT OF ROAD TRANSPORT AND HIGHWAYS,
CENTRAL SECRETARIAT, NEW DELHI-110 001.
3. THE PROJECT DIRECTOR,
N.H.A.I, OFFICE OF THE PROJECT DIRECTOR, TUSHARABINDU,
NO. 337, CHANDRANAGAR EXTENSION, NARIKODE,
PALAKKAD.
4. DISTRICT COLLECTOR,
THRISSUR, DISTRICT COLLECTORATE, CIVIL STATION,
AYYANTHOLE, THRISSUR-680 003.
5. SPECIAL DEPUTY COLLECTOR (LA) N.H.D.P,
CHEMBOOKKAVU, THRISSUR-680 001.

....2/-

Prv.

W.P.(C).NO.5807/2013:

***ADDL. RESPONDENTS 6 AND 7 IMPEADED:**

6. MELOOR GRAMA PANCHAYATH,
MELOOR.P.O.,
CHALAKUDY,
THRISSUR DISTRICT, PIN - 680 311,
REPRESENTED BY IT'S SECRETARY.
7. THE PRESIDENT,
MELOOR GRAMA PANCHAYATH,
CHALAKUDY,
MELOOR.P.O.,
THRISSUR DISTRICT,
PIN - 680 311.

***ADDL.R6 & R7 ARE IMPEADED AS PER ORDER
DTD. 26/03/13 IN I.A. NO.3936/13.**

**R1 & R3 BY ADV. SRI.THOMAS ANTONYM
R2 BY SRI.N.NAGARESH, ASST. S.G. OF INDIA,
R5 BY GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN,
R6 & R7 BY ADVS. SRI.P.V.PAULSON,
SRI.DEVAN RAMACHANDRAN.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 31-07-2014, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Prv.

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P.1** PHOTOGRAPH SHOWING THE ACTUAL LOCATION OF THE PETITIONER'S BUILDING SITUATED AT MURINGOOR-MELUR-JUNCTION.
- EXT.P.1(A):** PHOTOGRAPH SHOWING THE ACTUAL LOCATION OF THE PETITIONER'S BUILDING SITUATED AT MURINGOOR-MELUR JUNCTION.
- EXT.P.1(B):** PHOTOGRAPH SHOWING THE ACTUAL LOCATION OF THE PETITIONER'S BUILDING SITUATED AT MURINGOOR-MELUR JUNCTION.
- EXT.P.2** TRUE COPY OF THE JUDGMENT DTD. 09/03/2012 IN W.P.(C).NO.32687/11 (S).
- EXT.P.3** TRUE COPY OF THE NOTIFICATION DTD. 18/09/2012 U/S 3 A (3) OF THE NATIONAL HIGHWAY ACT 1956 IN 'MALAYALA MANORAMA' DAILY DTD. 20/10/2012.
- EXT.P.4** A TRUE COPY OF THE OBJECTION DTD. 05/11/2012 FILED BY TH 1ST PETITIONER U/S. 3C OF THE NATIONAL HIGHWAY ACT BEFORE THE 5TH RESPONDENT.
- EXT.P.5** TRUE COPY OF THE SKETCH SHOWING THE DETAILS OF THE PROPOSED MAJOR JUNCTION AT MURINGOOR - MELUR ON THE REQUEST MADE BY THE 1ST PETITIONER UNDER THE R.T.I. ACT, BY THE PUBLIC INFORMATION OFFICER IN THE OFFICE OF THE 3RD RESPONDENT.
- EXT.P.6** TRUE COPY OF THE PROCEEDINGS NO.A3.1779/2011 DT. 29/01/2013 ISSUED TO THE 1ST PETITIONER BY THE 5TH RESPONDENT.
- EXT.P.7** A TRUE COPY OF THE PROCEEDINGS NO.A3.1779/2011 DT. 29/01/213 ISSUED TO THE 2ND PETITIONER BY THE 5TH RESPONDENT.
- EXT.P.8** TRUE COPY OF THE NOTIFICATION NO.SO 989 (E) DTD. 17/4/2013 IN THE GAZETTE OF INDIA DTD. 18/04/2013 ISSUED BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS:

- EXT.R6.A:** TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE MURINGOOR MERCHANT'S ASSOCIATION IN W.P.(C).NO.32687/2011.
- EXT.R6.B:** TRUE COPY OF THE JUDGMENT DTD. 20/10/2008 IN W.P.(C).NO.27707/2008.

W.P.(C).NO.5807/2013:

- EXT.R6.C:** TRUE COPY OF THE LETTER DTD. 19/05/2009 WITH PLAN, PROFILE OF THE LAND TO BE ACQUIRED AND OTHER DETAILS FROM THE PROJECT DIRECTOR TO THE GENERAL MANAGER.
- EXT.R6.D:** TRUE COPY OF THE FRONT PAGE AND THE RELEVANT PAGES OF NOTIFICATION NO.S.O.2646 (E) DTD. 21/10/2009.
- EXT.R6.E:** TRUE COPY OF THE REPORT DTD. 24/08/2011 SUBMITTED BY THE SUPERINTENDING ENGINEER, NATIONAL HIGHWAY (CENTRAL) CIRCLE, KOCHI.
- EXT.R6.F:** TRUE COPY OF THE LETTER NO.15814/D3/2011/PWD DTD. 24/10/2011.
- EXT.R6.G:** TRUE COPY OF THE AFFIDAVIT FILED BY THE N.H.A.I IN W.P.(C).NO.32687/2011.
- EXT.R6.H:** TRUE COPY OF THE 3G (3) NOTIFICATION DTD. 15/07/2013 PUBLISHED IN MALAYALA MANORAMA DAILY DTD. 19/07/2013.
- EXT.R6.I:** TRUE COPY OF THE F.I.R. NO.2045/2012 DTD. 13/12/2012 OF THE KORATTY POLICE.
- EXT.R6.J:** TRUE COPY OF THE ACCIDENT NEWS REPORTED IN MALAYALA MANORAMA DAILY DTD. 17/05/2013.

//TRUE COPY//

P.A. TO JUDGE.

Prv.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 5807 of 2013

Dated this the 31st day of July, 2014

J U D G M E N T

The writ petition is closed without examining the merits of the grounds raised.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-