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P. Ravindran, vs Union of India,

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SooperKanoon Citation : sooperkanoon.com/1877501

Court : Kerala

Decided On : Sep-30-2019

Judge : Honourable Dr. Justice a.K.Jayasankaran Nambiar

Appeal No. : WP(C)/6604/2019

Appellant : P. Ravindran,

Respondent : Union of India,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR MONDAY, THE 30TH DAY OF SEPTEMBER 2019/8TH ASWINA, 1941 W.P(C).No.6604 OF 2019(A) PETITIONERS: 1 P. RAVINDRAN, AGED 75 YEARS S/O. PARAMESWARAN NAIR, PULICKAL HOUSE, TKS PURAM, KODUNGALLUR, THRISSUR-680 604 2 P.P. RADHA AGED 79 YEARS D/O. GOWRI AMMA, PULICKAL HOUSE, ABHILASH, TKS PURAM, KODUNGALLUR, THRISSUR-680 604 BY ADVS.SRI.P.B.KRISHNAN SRI.P.M.NEELAKANDAN SRI.P.B.SUBRAMANYAN SRI.SABU GEORGE SRI.MANU VYASAN PETER RESPONDENTS: 1 UNION OF INDIA, REPRESENTED BY ITS SECRETARY, MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,

TRANSPORT BHAWAN 1, PARLIAMENT STREET, NEW DELHI-110 001 2 NATIONAL HIGHWAY AUTHORITY OF INDIA (NHAI) PROJECT IMPLEMENTATION UNIT, VII/511B, MAVELIPURAM-NEITHELI ROAD, MAVELIPURAM, KAKKANAD, ERNAKULAM-682 030, REPRESENTED BY ITS PROJECT DIRECTOR. W.P.(C).No.6604/2019 :2 : 3 STATE OF KERALA REPRESENTED BY ITS SECRETARY, PUBLIC WORKS DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 001 4 THE DISTRICT COLLECTOR COLLECTORATE, CIVIL STATION, THRISSUR-680 003 5 SPECIAL DEPUTY COLLECTOR AND COMPETENT AUTHORITY NH-66, KUTTIPPURAM-EDAPPALLY, KODUNGALLUR P.O, THRISSUR-680 664 6 SANJAY.M TECHNICAL LEAD, FEEDBACK INFRA PRIVATE LTD, FEEDBACK HIGHWAYS INDVE, NO.14 LONGFORD GARDEN, FIRST FLOOR, LONGFORD AVENUE, LALBAGH ROAD, (NEAR RICHMOND CIRCLE), BANGALORE-560 025. R2 BY ADV. SMT.I.SHEELA DEVI R1 BY SRI.P.VIJAYAKUMAR, ASSISTANT SOLICITOR GENERAL BY SRI.THOMAS ANTONY, SC, NHAI R3-R5 BY SMT.DIVYA S.,GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30.09.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C).No.6604/2019 :3 :

JUDGMENT

It is submitted on behalf of the 2nd respondent that the 3D Notification under the National Highways Act has not been published despite the 3A Notification having been published on 12.7.2018. Taking note of the said submission, and finding that the proceedings initiated by the 3A Notification have since lapsed on account of the statutory provisions, the writ petition is closed, by declaring that the proceedings initiated by the 3A Notification [Ext.P5] have since lapsed. Sd/- A.K.JAYASANKARAN NAMBIAR JUDGE prp/1/10/19 W.P.(C).No.6604/2019 :4 : APPENDIX PETITIONER'S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE BASIC TAX RECEIPT DATED 7.7.2018 ISSUED FROM THE METHALA VILLAGE OFFICE. EXHIBIT P2 TRUE COPY OF BASIC TAX RECEIPT DATED 23.4.2018 ISSUED FROM THE METHALA VILLAGE OFFICE IN THE NAME OF ARUN.

EXHIBIT P3 TRUE COPY OF THE BASIC RECEIPT DATED 23.4.2018 ISSUED FROM THE METHALA VILLAGE OFFICE IN THE NAME OF ANUP. EXHIBIT P4 TRUE COPY OF THE BASIC TAX RECEIPT DATED 11.7.2018 ISSUED FROM THE METHALA VILLAGE OFFICE IN THE NAME OF PETITIONER NO.2. EXHIBIT P5 TRUE COPY OF THE RELEVANT PORTION OF THE NOTIFICATION PUBLISHED BY RESPONDENT NO.5 IN THE MATHRUBHUMI DAILY DATED 12.7.2018. EXHIBIT P6 TRUE COPY OF THE REPRESENTATION DATED 20.8.2018 SUBMITTED BY ANUP RAVINDRAN EXHIBIT P7 TRUE COPY OF THE REPRESENTATION DATED 20.8.2018 SUBMITTED BY ARUN RAVINDRAN

EXHIBIT P8 TRUE COPY OF THE REPRESENTATION DATED

EXHIBIT P9 TRUE COPY OF REPRESENTATION DATED 13.8.2018 SUBMITTED SUBMITTED BY PETITIONER NO.2 BEFORE RESPONDENT NO.4. EXHIBIT P10 TRUE COPY OF THE REPORT DATED 22.10.2018 SUBMITTED BY SPECIAL TAHASILDAR, UNIT-I,

(LA) NH-17, KODUNGALLUR BEFORE RESPONDENT

NO.4. EXHIBIT P11 TRUE COPY OF THE ORDER NO.B1-3846/18C DATED 08.11.2018 ISSUED BY RESPONDENT NO.5 IN THE CASE OF PETITIONER NO.1. EXHIBIT P12 TRUE COPY OF THE ORDER NO.B1-3846/18 DATED 08.11.2018 ISSUED BY RESPONDENT NO.5 IN THE CASE OF PETITIONER NO.2. EXHIBIT P13 TRUE COPY OF ALIGNMENT PLAN FROM CHAINAGE

394+500 AT CHANDAPURAM IN LOKAMALLESWARAM VILLAGE TO CHAINAGE 398+000 AT KOTTAPPURAM IN METHAL VILLAGE. EXHIBIT P14 TRUE COPY OF THE REPRESENTATION DATED 25.6.2019 SUBMITTED BY THE ACTION COUNCIL TO THE NATIONAL HIGHWAY AUTHORITY OF INDIA (NHAI), CORPORATE OFFICE AT NEW DELHI. RESPONDENTS EXHIBITS: NIL. //TRUE COPY// P.S. TO JUDGE

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