

W.P.(C.) Nos.23625, 27217 of 2019,
24270 of 2020 & 1445 of 2021

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

[CR]

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 23RD DAY OF JULY 2021 / 1ST SRAVANA, 1943

WP(C) NO. 23625 OF 2019

PETITIONER/S:

- 1 BALAKRISHNA PILLAI
AGED 68 YEARS
S/O. RAGHAVAN PILLAI, KADAMBATTU VEEDU UMayANELLOR P.O.,
KOLLAM DISTRICT 691 589.
- 2 MOHANLAL,
AGED 71 YEARS
S/O. NARAYANAN, DEVI VILASAM, UMayANELLOR P.O., KOLLAM
DISTRICT 691 589.
BY ADVS.
P.A.MOHAMMED SHAH
SHRI.ASWIN KUMAR M J
SHRI.MOHAMED MUSTHAF A.K.
shri.MUHAMMED JANAISE V.

RESPONDENT/S:

- 1 UNION OF INDIA
REPRESENTED BY SECRETARY MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS, NEW DELHI 110 001.
- 2 STATE OF KERALA
REPRESENTED BY SECRETARY PUBLIC WORKS DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM 695 001.
- 3 NATIONAL HIGHWAY AUTHORITY OF INDIA, G-586, SECTOR-10,
DWARAKA, NEW DELHI 110 075,
REPRESENTED BY ITS CHAIRMAN.

**W.P.(C.) Nos.23625, 27217 of 2019,
24270 of 2020 & 1445 of 2021**

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- 4 PROJECT DIRECTOR,
NATIONAL HIGHWAY AUTHORITY OF INDIA, TC 29/1539/1,
RAJASREE KAIRALI, PERUMTHANNI, VALLAKKADAVU P.O.,
THIRUVANANTHAPURAM 695 008.
- 5 SPECIAL DEPUTY COLLECTOR
AND COMPETENT AUTHORITY LAND ACQUISITION, NATIONAL
HIGHWAY AUTHORITY OF INDIA, COLLECTORATE, KOLLAM 691013.
- 6 ADDL.R6.SECRETARY
(SOUGHT TO BE IMPEADED)
BY ADVS.
ASSISTANT SOLICITOR GENERAL
GOVERNMENT PLEADER, SRI.JAFAR KHAN Y.
SRI.K.A.SALIL NARAYANAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12.07.2021, ALONG WITH WP(C).1445/2021, 24270/2020 AND CONNECTED
CASES, THE COURT ON 23.7.2021 DELIVERED THE FOLLOWING:

W.P.(C.) Nos.23625, 27217 of 2019,
24270 of 2020 & 1445 of 2021

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 23RD DAY OF JULY 2021 / 1ST SRAVANA, 1943

WP(C) NO. 1445 OF 2021

PETITIONER/S:

- 1 M.LALITHA KUMARI
AGED 65 YEARS
W/O. K.RAMACHANDRAN NAIR, ATHIRA, UMayANELLOOR P.O.,
KOLLAM-691589.
- 2 K.C.VIKRAMAN PILLAI,
AGED 59 YEARS
S/O.CHELLAPPAN NAIR, SECRETARY, KSHETHARA SAMRAKSHNA
SAMITHY, KADAMPATTU, SREE MANDRAMOORTHY TEMPLE,
UMAYANELLOOR P.O., KOLLAM-691589.
BY ADVS.
P.B.KRISHNAN
SRI.M.K.SREEGESH
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE
SMT.B.ANUSREE
SRI.MANU VYASAN PETER
SMT.MEERA P.

RESPONDENT/S:

- 1 THE UNION OF INDIA
REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY OF
ROAD TRANSPORT AND HIGHWAYS, NEW DELHI-110001.
- 2 THE NATIONAL HIGHWAY AUTHORITY OF INDIA,
NEW DELHI-110001.

**W.P.(C.) Nos.23625, 27217 of 2019,
24270 of 2020 & 1445 of 2021**

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- 3 THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
PUBLIC WORKS (C) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 4 THE DISTRICT COLLECTOR,
KOLLAM, CIVIL STATION, KOLLAM-691001.
- 5 THE SPECIAL DEPUTY COLLECTOR,
L.A. NH 47(66) AND COMPETENT AUTHORITY, NATIONAL HIGHWAY
AUTHORITY OF INDIA, CIVIL STATION, KOLLAM-691001.
- 6 THE PROJECT DIRECTOR,
PROJECT IMPLEMENTATION UNIT, NHAI, TC 36/414(5), KOYIKKAL
VEEDU, KAVU LANE, PALKULANGARA, TRIVANDRUM-695024.
- 7 THE REGIONAL OFFICER,
NHAI, TC 86/1036, AMBLY ARCADE, SNNRA-9, PETTA,
THIRUVANANTHAPURAM-695024.
- 8 SMEC INDIA PVT. LTD.,
CONSULTANTS, TC 86/1036, AMBLY ARCADE, SNNRA-9, PETTA,
THIRUVANANTHAPURAM-695024.
BY ADVS.
SMT.MINI GOPINATH, CGC
SHRI.MATHEWS K.PHILIP, SC, NHAI
SMT.SHEEJA C.S., GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12.07.2021, ALONG WITH WP(C).23625/2019 AND CONNECTED CASES, THE
COURT ON 23.7.2021 DELIVERED THE FOLLOWING:

W.P.(C.) Nos.23625, 27217 of 2019,
24270 of 2020 & 1445 of 2021

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 23RD DAY OF JULY 2021 / 1ST SRAVANA, 1943

WP(C) NO. 24270 OF 2020

PETITIONER/S:

M.SREELATHA
AGED 54 YEARS
ANJU ATHIRA, UMayANELLOOR P.O. KOLLAM 691 589.
BY ADVS.
R.KRISHNA RAJ
SMT.E.S.SONI
SMT.KUMARI SANGEETHA S.NAIR

RESPONDENT/S:

- 1 THE UNION OF INDIA
REPRESENTED BY THE SECRETARY TO GOVERNMENT, SURFACE TRANSPORT MINISTRY NEW
DELHI 110 001.
- 2 THE NATIONAL HIGHWAY AUTHORITY OF INDIA,
NEW DELHI 110 001.
- 3 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT, PUBLIC WORKS (C)
DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.
- 4 THE DISTRICT COLLECTOR,
KOLLAM, CIVIL STATION, KOLLAM 691 001.
- 5 THE SPECIAL DEPUTY COLLECTOR,
L.A. NH 47 (66) AND COMPETENT AUTHORITY,
NATIONAL HIGHWAY AUTHORITY OF INDIA, CIVIL STATION, KOLLAM 691 001.
- 6 THE PROJECT DIRECTOR,
PROJECT IMPLEMENTATION UNIT, NHAI, TC 36/414(5) KOYIKKAL VEEDU, KAVU LAN,E
PALKULANGARA, TRIVANDRUM 695 024.
- 7 THE REGIONAL OFFICER,
NHAI, TC 86/1036, AMBLY ARCADE, SNNRA -9, PETTA, THIRUVANANTHAPURAM 695 024.
- 8 SMEC INDIA PVT LTD.,
CONSULTANTS, TC 86/1036, AMBLY ARCADE, SNNRA 9, PETTA, THIRUVANANTHAPURAM 695
024.
- 9 VALIYAVEEETIL MOHAIDEEN MASJID AND MADRASA,
UMAYANAELLOOR P.O. KOLLAM 691 589.
BY ADVS.
GOVERNMENT PLEADER, SRI.JAFAR KHAN Y.
SRI.MATHEWS K.PHILIP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12.07.2021, ALONG WITH
WP(C).23625/2019 AND CONNECTED CASES, THE COURT ON 23.7.2021 DELIVERED THE FOLLOWING:

[CR]

P.V.KUNHIKRISHNAN, J

**W.P.(C.) Nos. 23625, 27217 of 2019,
24270 of 2020 & 1445 of 2021**

Dated this the 23rd day of July, 2021

JUDGMENT

National Highway is the main public road that connects different cities, towns, and even villages. It is a major and significant public road that is able and fit to carry fairly heavy traffic. Good transport infrastructure like Highway Network enhances transport system that reduces transportation fast and this in turn definitely reduces the production cost, while it increases productivity and profitability of the country. Highway Network also makes transportation schedules and deliveries more reliable and timely. Highways also contribute immensely to social groups and even to strengthen family relationships. The citizens can visit their

loved ones more often and it enhances the good relationship between family and friends. The highway can relatively reduce travel time to villages, cities, and towns, thereby, encourage people to travel for business and trade. Highway make journeys faster, comfortable, and safer than usual while at the same time, reduce fuel consumption also. An American Art critic Dave Hickey once said that "Beauty is and always will be blue skies and open highway."

2. National Highway Act, 1956 (hereinafter referred to as "NH Act, 1956") was enacted with a great object and reason. When you want better National Highways to improve the economy of the country, the land is necessary for which land acquisition proceedings is inevitable. Of course, that may create some problems for the citizens because they may lose the land where they and their families were staying for decades. Everybody will feel bad when their land is being bulldozed in connection with land acquisition. Without difficulty to a section of the citizens, no development activities can be implemented in the Country.

Difficulties are part of development. When the development of the country is the object, citizens should neglect their minor difficulties. The legislations like National Highway Act, the old Land Acquisition Act, and also the new enactment namely, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as "RFCTLARR Act, 2013") are there and it will to some extent protect the rights of the citizens, whose land is acquired. There are provisions for granting adequate compensation and also rehabilitation schemes in the above legislation. This may not be an alternative when one is losing his land where he was born and brought up. But, difficulties like this should be accepted to achieve the development of our great nation.

3. The above 4 writ petitions are filed challenging the acquisition of land for the widening of National Highway-66 in the stretch from KM 499.000 to KM 501.000 situated mainly in Umayanallor Village, Thazhuthala, and adjacent villages of Kollam District. The main grievance of the petitioners in these writ

petitions is that the National Highway Authority of India is not following the directions of the state government about the alignment of the proposed widening of National Highway-66. According to the petitioners, the Government of Kerala with a specific intention to save religious institutions suggested some change in the alignment. But the same is neglected. Their grievance is that to save a private Mosque, the alignment of the National Highway itself is changed and the acquisition is concentrated on the northern side(Left hand side) of the existing National Highway, where some of the petitioners are residing and some of the religious institutions are situated. I will narrate the contentions of the petitioners separately.

PLEADINGS

WPC Nos. 27217/2019 and 1445/2021

4. These two writ petitions are filed by the same petitioners. According to the petitioners, the original proposed alignment was to acquire land from both sides of the existing road.

But, the present proposal is to acquire land only from one side of the road for the expansion of the Highway. The petitioners contended that Ext.P7 produced in W.P.(C.) No.27217/2019 shows that the alignment was shifted as per the direction of the State Government, to exclude the main structure of a place of worship. According to the petitioners, the alignment was shifted to the left hand side (northern side) to save the main structure of a mosque on the right hand side. According to the petitioners, the same is to protect a private Masjid owned by the 9th respondent. The petitioners submit that there is a deliberate attempt to exclude the property on the Right hand side of the road for irrelevant reasons. In the writ petition, even the provisions of NH Act, 1956 is challenged. The main challenge is against Ext.P22 notification issued under Sec.3A of the NH Act, 1956.

5. In WP(C) No.27217 of 2019, a counter affidavit is filed by the 6th respondent, who is the Project Director, Project Implementation Unit, National Highway Authority of India, Thiruvananthapuram. In the counter affidavit, it is stated that the

National Highway Authority of India was entrusted by the Central Government under Sec.11 of the National Highway Authority of India Act, 1988 to develop the existing two-line structure of National Highway-47 from Cherthala to Thiruvananthapuram (KM 379/100 to KM 559/900) into a four-line Highway under NHDP Phase-IIIA under two projects with a width of the Proposed Right of Way (PROW) of 4500 metres. The two projects were Cherthala to Oachira (KM 379/100 to KM 465/000) and Oachira to Kazhakoottam (KM 465/000 to KM 551/900). In the counter, it is stated that NHAI is not having any power to acquire the land required for a National Highways. The land required for the development of the National Highway is acquired by the Central Government under the provisions of NH Act, 1956. Sec. 3A notification of NH Act, 1956 was published by the competent authority appointed by the Central Government twice. But on both occasions, the said notifications lapsed since, a notification under Sec.3D of the NH Act, 1956 could not be published within the limitation period of one year, due to the ban imposed by the State Government and due to the high

resistance from the project affected people and their supporters. It is stated that in all other States of the Country, the authority completed all National Highways in a four-line configuration. There was criticism during the AG audit regarding the expenditure without any outlay from the land acquisition units. Accordingly, the Central Government by notification in the Official Gazette dated 5.3.2014 omitted NHA from Cherthala-Oachira-Thiruvananthapuram road (KM 379/100 to KM 559/900), and the above stretch of NH-47 was entrusted to the State PWD (National Highway) by SO No. 676 (E) dated 5.3.2014. It is stated that three religious structures are falling between Ch.50000-5000 to Ch.501/000 and the alignment proposed is to acquire the land on both sides wherever possible. It is specifically stated in the counter that it does not mean that the acquisition of land is equally on both sides, but the proposal is for acquiring the land on either side considering the geometric parameters of the existing Highway and also the radius of curvature to maintain a design speed of 80-100 km/hr as per the clause laid down by the IRC code of manual. According to the 6th respondent,

the alignment for the above sketch was prepared based on the revenue records available in the Revenue Department, which are the authorised Government records regarding the availability of the existing Highway width. It is also stated that the Executive Engineer-PWD, NH, Kollam informed the 4th respondent that the Right of Way (ROW) width of the existing NH-47 from Krishnapuram to Kadambattukonam passing through Kollam District has an average width of 30.5 metre, but it is noted that in the approved alignment of NHAI, the existing ROW width marked is not marking with the actual existing ROW in the field at certain places. According to the 6th respondent, it happened because, in the revenue records, the average ROW is shown as only 21 metres. It is also stated in the affidavit that Umayanalloor (Ch.500/000) is one of the places that is affected by the above said issue. The 4th respondent then by letter dated 15.6.2018 requested the Executive Engineer to superimpose the actual existing ROW at the places, where the difference in the width was found out on to the approved alignment map so that only the actual excess land required after

deducting the existing width alone be included in the Sec.3D notification. It is further stated that the follow-up actions were taken. In paragraph 11 of the counter affidavit, it is stated that even though the land is being acquired under the provisions of NH Act, 1956, the petitioner and similarly affected persons will be given compensation under the new Land Acquisition Act. According to the 6th respondent, there is no discrimination meted out to the petitioners and they are treated equally. The 5th respondent also filed a counter affidavit, in which the details of the acquisition are narrated. That counter affidavit was dated 23.11.2019. In that affidavit, it is stated that the property of the petitioners will be acquired only after Sec.3D declaration as per NH Act, 1956. It is also stated by the 5th respondent that the NHAI ensures better compensation to the land acquired after fixing the market value and also counting the applicability of Sec.26 of the RFCTLARR Act, 2013. The petitioner in W.P.(C.) No.27217/2019 filed a reply affidavit to the counter affidavit filed by respondent Nos. 5 and 6 producing some more documents. Thereafter, a memo is filed by

the counsel for the 6th respondent as directed by this Court on 6.10.2020, in which the notification issued by the National Highway Authority and also the objections submitted by the petitioners are produced. The reply to the objections is also produced.

6. Thereafter, the petitioners in W.P(C) No.27217 of 2019 filed a second Writ Petition as W.P.(C.) No.1445/2021 with the following prayers :

- i) To call for the records relating to Ext P8, the 3(D) notification dated 9.6.2020 and quash/set aside the said notifications to the extent the said notification empowers the respondents to acquire the immovable property owned by the petitioners;
- ii) To declare that the petitioners are not bound to be displaced from the immovable properties owned by them situated in R.S.No.260/14, Sy.No.213/12; 213/27 and 213/30 of Thazhuthala village for acquisition/expansion of the National Highway-47 (now NH66) prior to completion of all aspects of rehabilitation and resettlement as ordained by the RFCTLARR Act read with the NH Act 1956;
- iii) To restrain the respondents from acquiring the immovable properties owned by the petitioner's in R.S.No.260/14, Sy.No.213/12; 213/27 and 213/30 of Thazhuthala village for acquisition/expansion of the National Highway-47

(now NH66) prior to completion of all aspects of rehabilitation and resettlement as ordained by the RFCTLARR Act read with the NH Act 1956;

iv) To declare that the immovable properties owned by the petitioner's in R.S.No.260/14, Sy.No.213/12; 213/27 and 213/30 of Thazhuthala village for acquisition/expansion of the National Highway-47 (now NH66) do not vest in the first respondent and the respondents are not entitled in law to acquire the said properties.

v) To direct the respondents to abstain from acquiring the immovable properties owned by the petitioner's in R.S.No.260/14, Sy.No.213/12; 213/27 and 213/30 of Thazhuthala village for acquisition/expansion of the National Highway-47 (now NH66) pursuant to Ext P8 notification.

vi) Issue a writ of certiorari or any other writ or order quashing Ext P6, and direct the respondents to reconsider the objections raised by the petitioner;

vii) Issue a writ of mandamus or any other writ or order in the nature thereof directing Respondents to follow concentric widening of the National Highway-47 (now NH 66) after acquiring the properties equally from both sides of the present National Highway

AND

viii) award the petitioners the costs of this Writ Petition.

7. In this writ petition, Sec.3D notification issued under NH Act, 1956 which is produced as Ext.P8 is also challenged. Ext.P6 in this writ petition is the reply given by the authority to the objection raised by the petitioner in Section 3C enquiry. Ext.P6 is also challenged in the writ petition in addition to the other reliefs prayed in the writ petition. According to the petitioners during the enquiry, it was pointed out that as per the proposed alignment, there will be two or more curves within a distance of half a kilometer. Further, it is contended that the proposed plan was to acquire only from the left hand side of the road and this was done to save the main structure of the Mosque on the southern side. According to the petitioner, Ext.P6 order reflects that the authorities have reduced the right extended by Sec.3C to an empty formality. According to the petitioner, the reply to the objection raised in Sec.3C enquiry will show that the authorities have not applied their mind, before passing orders. Hence, W.P.(C.) No.1445/2021 was filed with certain additional prayers including a

prayer to set aside Ext.P8 Sec.3D notification and Ext.P6, the order passed by the authority rejecting the objection of the petitioners.

W.P.(C.) No.23625/2019

8. The petitioners in this writ petition are having property abutting Cherthala-Kazhakoottam Highway (NH-66) (Ch.between KMS 460/700 and KMS 517/000). Ext.P10 in this writ petition is Sec.3A notification. According to the petitioners, during the year 2009, while fixing the alignment concerning the area between Mevaram and Umayanalloor for straightening the curve, the acquisition was proposed on the right hand side of the road based on the report submitted by the then consultancy. It is the specific case of the petitioners that without considering the above proposals, on 10.3.2018, the 1st respondent issued notification under Sec.3A of the NH Act, 1956 declaring the intention to acquire property for widening. According to the petitioners, the notification that decided to acquire the property from the left hand side is to protect a Mosque on the right hand side, namely, Valiyaveettil

Masjid. According to the petitioners, between Mevaram and Umayanalloor, two Mosques and a Temple namely, Thattamala Muslim Jama-ath, Quadisiyya Masjid, and Kadambanad temple, will be affected, while acquiring the property from the left hand side. It is also stated that acquisition affects Vazhappilly LP School and Umayanalloor Service Co-operative Bank building. It is also stated in the writ petition that due to the public protest, the Executive Engineer of the PWD carried out an inspection in the areas including Umayanalloor area, and suggested correction in the alignment based on the existing actual central line. According to the petitioners, it was found that by doing such corrections, the issue regarding the alignment and the acquisition can be settled. Several documents were produced to show the communication between the Executive Engineer concerned and the 4th respondent. Subsequently, the earlier notification has lapsed and without considering those communications, the very same land is notified under Sec.3A of the NH Act, 1956 on 10.3.2018. Hence, this writ petition is filed with the following prayers :

- i) To issue a writ of certiorari quashing Ext P10 notification issued by the 1st respondent with regard to the area between Mevaram and Umayanalloor, Kollam district.
- ii) To direct the respondents 1 to 4 to fix the alignment of the National Highway widening inconsonance with Ext P5, P6 and P7 reports.
- iii) To declare that the acquisition steps shall be initiated in consonance with Ext P5, P6 and P7 reports submitted by the appropriate authorities.
- iv) To issue a Writ of Mandamus directing the respondents 3 to 5 not to issue notification under Section 3D of the National Highway Act 1956 with respect to the property owned by the petitioner as evident from Ext P1 and P2.
- v) Pass such any other order, direction or reliefs as this Hon'ble Court may deem fit in the interest of justice, equity and good conscience.

9. In the above writ petition, a counter affidavit is filed by the 4th respondent. In the counter affidavit, it is stated that it is incorrect to say that the authorities ignored the anomalies pointed out in Exts.P5 and P6, while issuing the present notification. It is also stated that an inspection was conducted by the NHAI and whatever corrections required, were carried out. Only thereafter,

Ext.P10 notification has been issued. According to the 4th respondent, the alignment now proposed is perfectly in consonance with the requirements prescribed by the IRC Code. As far as the specific ground in the writ petition about the religious institution, a reply is given in paragraph 4 of the writ petition. Paragraph 4 of the writ petition is extracted hereunder :

"4. The petitioner has mainly adverted to the alignment from Mevarom to Umayanalloor in Kollam district. This stretch is coming under the package of 4 lining of end of Kollam Bypass to Kadambattukonam (Km 486/000 to Km 517/800). Total length of road is 31.8 Km which is below 40 Km. At this stretch there are five religious buildings on either sides of the alignment. The structures are located so closely on either side of the highway that a sudden change in the alignment is not possible. As alleged by the petitioner no new curve is introduced at this location. There is an existing curve at KM 501+400. The same curve is designed to follow road geometry, design speed and by saving the religious structures nearby. Following all the design parameters conforming the IRC standards and the direction from the State Government to save the religious structures, the said alignment was designed."

10. The reply affidavit was filed by the petitioners against the counter affidavit filed by the 4th respondent. In the reply Exts.P12 to P14 documents were also produced. A counter affidavit is filed by the 5th respondent also raising the same contentions raised by the 5th respondent in W.P.(C.) No.27217/2019 and 1445/2021. A reply affidavit was filed to the counter affidavit of the 5th respondent by the petitioners. A statement was also filed by the 4th respondent on 4.7.2020, stating that Sec.3D notification in respect of the above land has been published on 9.6.2020. The same was produced as Annexure-R4(b).

W.P.(C.) No.24270/2020

11. This is a writ petition filed by a person residing on the northern side of the NH-66 in Survey No.213/10 and 213/11 in Thazhuthala Village. She has got a property with an extent of 6.27 ares. According to this petitioner, in Survey No.213/27, 213/12 and 213/13 in Thazhuthala Village, a Temple namely, Kadampatu Manthra Moorthy Temple is situated. Almost the same contentions

in the other writ petitions are raised in this writ petition also. According to the petitioner, if the new alignment is allowed to stand, it will take away two Mosques, a Temple, which is more than 200 years old, and one 130 year old L.P.School, in which more than 600 students are studying. According to the petitioner, if the National Highway is widened as per the original alignment drawn by the NHAI, the only sufferer will be a private mosque on the right hand side. According to the petitioner, as far as that structure is concerned, it is claimed as a Masjid and Madrassa. It is also stated that earlier, they have got 18 cents of land, and even if the structure is taken away by the widening of the road, they can shift the structure backward inside the property. In other words, according to the petitioner, they can re-locate the structure inside their property itself. But according to the petitioner, as far as the Temple and other two Mosques and School are concerned, if the newly drawn alignment is allowed to stand, all these structures will have to completely go and all these religious institutions will be stranded because, they do not have any other property existing in

that area, as the entire property in which the structure stands will be covered by acquisition. Hence, the above writ petition is filed challenging Ext.P2 alignment drawn by the respondent. There are other connected reliefs also, including a prayer to quash Sec.3D notification between Ch.499/500 to 501/000.

12. In this writ petition also, a counter affidavit is filed on behalf of respondent Nos. 2, 6, and 7 through the Standing Counsel. A separate counter affidavit is filed by the 5th respondent also. The contentions of the respondents in their counter affidavits are similar to the contentions raised by them in the other writ petitions, which are already extracted above.

ARGUMENTS

13. Heard Adv.R.Krishnaraj, counsel for the petitioner in W.P.(C.) No. 24270/2020, Adv.P.A.Mohammed Shah, counsel for the petitioners in W.P.(C.) Nos.23625/2019 and Adv.Sreegesh M.K., counsel for the petitioners in W.P.(C.) No.27217/2019 and W.P.(C.) No.1445/2021. I also heard Adv.Salil Narayanan and Adv.Mathews

K Philip, Standing Counsel for the NHAI. I also heard the Government Pleader.

14. Adv.Mohammed Shah reiterated his contentions in his writ petition. According to the counsel, Exts.P3 and P4 in his writ petition are the objection submitted by the Mosque committee. The counsel also takes me through Ext.P5 letter from the Executive Engineer, PWD NH Division, Kollam to the Project Director, National Highway Authority of India. The counsel takes me through the following sentence in Ext.P5.

“I may suggest that it would be better if the alignment is corrected based on the existing actual central line, so that it may solve the issues regarding the alignment and land acquisition to an extent. Most of the locations in the alignment such as Kottankulangara (Ch.479/000), Umayanalloor (Ch.500/000), Kottiyam (Ch.504/300) Mylakadu (Ch.504/950),

Kalluvathukkal (Ch.512/300), Paripally
(Ch.515/000) having the same issue."

The counsel also take me through Ext.P6. Ext.P6 is a letter from the Executive Engineer to the District Collector dated 18.5.2018. In that letter also, it is stated like this :

" മേവരം (ചെയി : 499/500) മുതൽ കല്ലുവാതുക്കൽ (512/300) വരെ നിലവിൽ ROW 30 മുതൽ 35 മീറ്റർ വരെയാണ്. എന്നാൽ പുതിയ അലൈൻമെന്റ് പ്രൊപ്പോസലിൽ പല സ്ഥലങ്ങളിലും ROW രേഖപ്പെടുത്തിയിരിക്കുന്നത് 25 മീറ്ററിൽ താഴെയാണ്. തന്മൂലം ഒരു വശത്തുനിന്നു മാത്രം സ്ഥലം ഏറ്റെടുക്കുന്ന രീതിയിലാണ് അലൈൻമെന്റ് തയ്യാറാക്കിയിരിക്കുന്നത്. ഈ ഭാഗത്തു നിന്നും ധാരാളം പരാതികൾ ഈ ഓഫീസിൽ ലഭിക്കുന്നുണ്ട് ".

15. Then, the counsel take me through Ext.P7 letter from the District Collector, Kollam to the Additional Secretary (Revenue), Thiruvananthapuram. In that letter also, it is stated that from Mevaram to Kottiyam, on both sides there are Mosques, Temples, Banks, Schools etc. and there are several complaints. It is also

stated that if the alignment is changed for about 2 kms in this area, the curve of the road can be avoided so that the religious institutions, Banks and Schools can be protected. According to the counsel, after Exts.P5, P6 & P7 letters, P10 notification under Sec.3A of the NA Act, 1956 was published on 25.6.2019 neglecting the recommendations in Exts.P5 to P7. The counsel takes me through Annexure R4(C) sketch produced by the 4th respondent. The counsel submitted that because of the re-alignment, a definite curve is formed. The counsel submitted that even the curve can be avoided if the land is taken from both sides equally. The counsel also takes me through Ext.P12 request submitted to the National Highway Authority under the RTI Act and Ext.P13 reply. In Ext.P13 reply, it is stated that there will be no change in the alignment in Kollam District comparing both Sec.3A notification on February 2018 and July, 2019. The counsel submitted that this information itself will show that Exts.P5 to P7 recommendations were neglected by the authorities. Therefore, Adv.Shah submitted that there may

be a direction to the authorities to reconsider the alignment, in the light of Exts.P5 to P7 in his writ petition.

16. Adv.R.Krishna Raj also submitted that he is endorsing the argument of Adv.Shah. In addition to that, the counsel takes me through Exts.P1, P2, P4, P5 and P6 produced in his writ petition, WP(C) No.24270/2020. The counsel also takes me through Ext.P7 which is the reply given by the National Highway Authority, in which it is stated that the alignment for the above stretch is prepared based on the revenue records available in the Revenue Department, which is the authorised Government records regarding the availability of existing road width. The counsel vehemently argued that a curve is created now, because of the new alignment. The counsel submitted that there may be a direction to change the alignment to protect the property of the petitioner and the religious institutions on the left hand side of the National Highway. According to the counsel, the Mosque situated on the right hand side is a private Mosque. The counsel also submitted that the authority of the Mosque is impleaded as an additional respondent in

one of the writ petitions and they have not appeared in that case. The counsel submitted that, that itself shows that they are not aggrieved if the alignment is changed and the land, where the Mosque is situated is also taken for the National Highway purpose.

17. Adv.Sreegesh M.K., who is appearing for the petitioners in W.P.(C.) No.27217/2019 and 1445/2021 also submitted that he is adopting the arguments of the counsels, who is appearing in the other writ petitions. The counsel also filed a note of arguments. That will be part of the record. In the note submitted by the counsel, several contentions are taken. According to the counsel, the State Government had directed NHAI to follow concentric widening wherever possible, except to avoid religious structures. According to the counsel, the State Government had approved the project/alignment option followed in the present acquisition on the premise that it was necessary to deviate from the earlier alignment (which was based on concentric widening from the central line) to save religious structures from the acquisition. The counsel also submitted that State had approved without examining the details of

the religious structures that are likely to be affected due to the shift in the alignment, which NHAI did not furnish. According to the counsel, originally the State Government had directed NHAI to follow concentric widening. According to the counsel, NHAI has shifted the proposed central line towards the left hand side and opted for eccentric widening to save the main structure of respondent No.9, Mosque on the right hand side. According to the counsel, the NHAI has to act in terms of the policy inbuilt in the approval and it cannot apply the policy selectively, so as to discriminate between similarly placed beneficiaries. It is submitted that NHAI cannot opt for a pick and choose policy between religious institutions and design alignment to save one particular religious structure at the cost of three other religious institutions. The counsel also argued that Ext.P6 produced in W.P.(C.) No.1445/2021 is not a speaking order to the objection raised by the petitioners. Therefore, it is submitted that there may be a direction to reconsider the objection raised by the petitioners. In the last portion of the note of argument, it is stated that the necessity to

urge the contentions relating to the applicability of the RFCTLARR Act, 2013 arises only if this Court finds that the contention advanced above merit no acceptance. Therefore, the counsel submitted that, if this Court finds that the contentions of the petitioners are not acceptable, the issue of applicability of RFCTLARR Act, 2013 may be left open. Even though there is a prayer in WP(C) No.27217 of 2019 to strike down Section 3C, 3E, 3F, and 3G of NH Act 1956, the same is not seriously argued during the time of the hearing.

RESOLUTION

18. The only point to be decided in this case is whether the alignment proposed by the authorities is justifiable and whether there is anything to interfere by this Court invoking the powers under Article 226 of the Constitution of India. In W.P.(C.) No.23625/2019, Annexure-R4(c) is produced by the 4th respondent. It is the alignment plan from KM 499/000 to KM 501/000 of Umayanalloor Village. A mere perusal of Annexure-R4(c), it is clear

that a curve is there to the National Highway. According to the petitioners in these writ petitions, there are two Temples and a Mosque on the northern side(Left Hand Side) of the road. But, the Mosque shown on the southern side(Right Hand Side) of the road is a private Mosque. According to the petitioners, the curve is created just to save the private Mosque on the southern side. According to the authorities, no new curve is introduced in this location. According to them, there is an existing curve at KM 501+ 400. The same curve is designed to follow road geometry, design speed and by saving religious structures nearby. Whether this Court can interfere in this case to change the alignment to straighten the National Highway and to avoid the Mosques on the Left Hand Side of the alignment and also two Temples and Schools including the property of the petitioners is the question. The jurisdiction of this Court to interfere in such a situation is already settled by several decisions of this Court and the Apex Court. I will only consider the judgment of the Apex Court in ***Union of India v. Kushala Shetty***

and others [2011 (12) SCC 69]. The relevant portion of the above judgment is extracted hereunder :

XXX

XXX

XXX

28. Here, it will be apposite to mention that NHAI is a professionally managed statutory body having expertise in the field of development and maintenance of national highways. The projects involving construction of new highways and widening and development of the existing highways, which are vital for the development of infrastructure in the country, are entrusted to experts in the field of highways. It comprises of persons having vast knowledge and expertise in the field of highway development and maintenance. NHAI prepares and implements projects relating to development and maintenance of national highways after thorough study by experts in different fields. Detailed project reports are prepared keeping in view the relative factors including intensity of heavy vehicular traffic and larger public interest. The courts are not at all equipped to decide upon the viability and feasibility of the particular project and whether the particular alignment would subserve the larger public interest. In such matters, the scope of judicial review is very limited. The court can nullify the acquisition of land and, in the rarest of rare cases, the particular project, if

it is found to be ex facie contrary to the mandate of law or tainted due to mala fides. In the case in hand, neither has any violation of mandate of the 1956 Act been established nor has the charge of malice in fact been proved. Therefore, the order under challenge cannot be sustained.

19. The Apex Court held that NHAI is a professionally managed statutory body having expertise in the field of development and maintenance of National Highways. The Courts are not at all equipped to decide upon the viability and feasibility of a particular project and whether the particular assignment would subserve the larger public interest. Therefore, the Apex Court observed that the judicial review is very limited. The Apex Court observed that the Court can nullify the acquisition of land in the rarest of rare cases, i.e, the particular project, if it is found to be ex-facie contrary to the mandate of law or tainted due to mala fides. The limited question to be considered when an acquisition proceeding is challenged before a court under Article 226 of the Constitution of India is whether the acquisition is ex-facia contrary to the mandate of law or tainted due to mala fides. The burden of

establishing mala fides is very heavy on the person who alleges it. In the present case, the petitioners have no contention that there is any violation of the mandate of NHA Act, 1956. According to them, the respondents created a curve in the National Highway and instead of taking land in a concentric manner from both sides, the authorities are going to acquire land from the left hand side of the existing National Highway. The petitioners contend that Exts.P5 to P7 in W.P.(C.) No.23625/2019 is not considered by the National Highway authorities while finalizing the alignment. It is true that there are certain recommendations made by the authorities in Exts. P5 to P7. But these are not binding to the NHAI. As observed by the Apex Court, National Highway authority is a professionally managed statutory body having expertise in the field of development and maintenance of National Highways. They submitted that the recommendations in Exts.P5 to P7 are not acceptable. While invoking the powers under Article 226 of the Constitution of India, this Court cannot sit in appeal to a decision of the National Highway Authorities, a statutory body having

expertise in the field. According to me, the jurisdiction of this Court to interfere in such a situation is very limited. As observed by the Apex Court, only in rarest of rare cases, the Court can interfere invoking the powers under Article 226 of the Constitution to interdict an acquisition proceedings, which is for a public purpose, especially for National Highway. As I observed in the beginning, there may be some difficulties to citizens, when an acquisition proceeding is initiated by the authorities. There are sufficient safeguards in the RFCTLARR Act, 2013 and other statutory provisions to protect the interests of the persons, whose land is taken in the acquisition proceedings. When the acquisition is for a public purpose, the citizens should co-operate with the same. I am not saying that the difficulties pointed out by the petitioners are not genuine. But, the National Highway Authority says that they are not in a position to accept the suggestions of the petitioners because of several reasons. No specific mala fides are alleged in these writ petitions against the National Highway authorities for adopting the present alignment. Whether there is a house building erected on

the proposed alignment in question or that there is a Temple or a Mosque or Grave, which will be affected by the acquisition is not a ground for dropping acquisition proceedings for a public purpose. Of course, the State Government requested the authorities to avoid religious institutions while acquiring land as per NH Act, 1956. This is only a request to avoid religious institutions, wherever it is possible. I think the National Highway Authorities accepted that recommendation in its spirit and done their level best to avoid religious institutions. Unless there is patent illegality or mala fides, this Court is not in a position to interfere with an alignment finalised by the National Highway Authority. Therefore, I am not in a position to accept the contentions of the petitioners in these writ petitions.

20. Our Country is now launched upon an ambitious program of all around economic advancement to make our economy competitive in the world market. To improve the economy, infrastructure available in the country is also to be developed. National Highways are necessary for free transportation of

vehicles, goods etc. According to me, one of the need of the Country is National Highway with sufficient width, with straight roads, so that citizens, businessmen, industrialists and people from all walks of life can use the same. In such a situation, if this Court starts to interfere in acquisition proceedings of National Highway on the basis that there is a curve or there is a Mosque or there is a Temple or there is a School, the acquisition proceedings could not be completed. Unless there are mala fides or unless there is patent illegality, the acquisition proceedings cannot be interfered with by the writ court, invoking the powers under Article 226 of the Constitution of India. The vehement argument of the petitioners is that, if the proposed alignment is accepted, that will destroy two mosques and two temples. Here I remember the famous film song of the veteran poet and the pride of Keralite Sri.Sreekumaran Thambi. A portion of the song is extracted hereunder:

"മണ്ണിലും വിണ്ണിലും തൂണിലും തുരുമ്പിലും
ദൈവമിരിക്കുന്നു അവൻ
കരുണാമയനായ് കാവൽ വിളക്കായ്
കരളിലിരിക്കുന്നു "

I am not a person to translate these lines. But for this judgment, English translation is almost like this. "The God almighty is omnipresent. He exist on the earth, in the sky, in pillars, and in the rust. He is the embodiment of kindness and dwells in the hearts of all, as a light of kindness." For the development of the National Highway, if the religious institutions are affected, God will forgive us. God will protect the petitioners, the authorities, and also the author of this judgment. God will be with us.

21. After perusing the entire pleadings in these writ petitions and also the contentions of the petitioners, according to me, no valid point is raised to show that there are any malafides on the part of the respondents or there is any patent illegality in the acquisition proceedings. Therefore, I am not in a position to accept any of the contentions. Since I am rejecting the contentions of the

petitioners on a preliminary point that the judicial review is not possible in the facts and circumstances of this case, I am not considering each and every point raised by the respective writ petitioners in these writ petitions.

22. Of course, the counsel for the petitioners in W.P.(C.) No.27217/2019 and 1445/2021 contended that the objections of the petitioners were not considered by the authorities at the time of Sec.3C enquiry as per NHA Act, 1956. The counsel submitted that the objections were raised by the petitioners in those writ petitions were rejected without a speaking order. The counsel takes me through Ext.P6 produced in W.P.(C.) No. 1445/2021. The counsel for the petitioners relied on the judgment of the Apex Court in an unreported decision in Civil Appeal No.6270/2019 to contend that the authorities should apply their mind and pass appropriate orders while taking decisions. That was a case in connection with the acquisition as per Railways Act, 1989. As far as the acquisition under the NH Act, 1956, the Apex Court considered this point in

Kushala Shetty's case (supra). The relevant portion of the judgment is extracted hereunder :

"23. The only reason assigned by the Division Bench of the High Court for upsetting the well-considered order passed by the learned Single Judge negating the respondents' challenge to the acquisition was that declaration under Section 3-D(1) was published even before communication of the decision taken by the competent authority in terms of Section 3-C(2). The process of reasoning adopted by the Division Bench for recording its conclusion appears to have been influenced by an assumption that the objections filed by the landowners had not been decided till the issue of declaration under Section 3-D(1). However, the fact of the matter is that the competent authority had, after giving opportunity of personal hearing to the objectors, passed the order dated 11.10.2005 and rejected the objections. Though, that order was not crafted like a judicial order which is passed by a legally trained mind, the rejection of the representations made by the respondents cannot be faulted only on that ground. "

23. As observed by the Apex Court, Ext.P6 is not drafted like a judicial order and it is not passed by a legally trained mind. But the reason for rejecting the objection of the petitioners is clear in Ext.P6. Therefore, I am not in a position to accept the contention of

the petitioners in W.P.(C.) No.1445/2021 against Ext.P6 order. Since I am rejecting the contentions of the petitioners in W.P.(C.) No.1445/2021 and 27217/2019, as prayed by the counsel for the petitioner in these Writ Petitions, the issue of applicability of RFCTLARR Act, 2013 is left open. As stated in the counter affidavit filed by respondent Nos. 2, 6, and 7 in W.P.(C.) No.1445/2021, there is no room for apprehension to the petitioners that they will not get fair compensation as per the new Act, 2013 and NH Act, 1956. It is also stated in that affidavit that the benefit of Schedule II of RFCTLARR Act, 2013 is extended to the landowners and thus, the petitioners also will get the benefit as insisted in the RFCTLARR Act, 2013. But, since the petitioner wants to raise those contentions separately, I leave open those contentions of the petitioners in W.P. (C.) No.1445/2021 and W.P.(C.) No.27217/2019.

24. In the light of the above finding, I think there is nothing to interfere with the acquisition proceedings. Consequently, the writ petitions are to be dismissed.

W.P.(C.) Nos.23625, 27217 of 2019,
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Therefore, these writ petitions are dismissed.

SD/-

P.V.KUNHIKRISHNAN

JUDGE

SKS

W.P.(C.) Nos.23625, 27217of 2019,
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 23RD DAY OF JULY 2021 / 1ST SRAVANA, 1943

WP(C) NO. 27217 OF 2019

PETITIONER/S:

- 1 M.LALITHA KUMARI,
AGED 64 YEARS
W/O.K.RAMACHANDRAN NAIR, ATHIRA, UMayANELLOOR P.O.,
KOLLAM - 691 589.
- 2 K.C.VIKRAMAN PILLAI,
AGED 58 YEARS
S/O.CHELLAPPAN NAIR, SECRETARY, KSHETHARA SAMRAKSHNA
SAMITHY, KADAMPATTU, SREE MANDRAMOORTHY TEMPLE,
UMAYANELLOOR P.O., KOLLAM - 691 589.
BY ADVS.
P.B.KRISHNAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE
SRI.MANU VYASAN PETER

RESPONDENT/S:

- 1 THE UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT, SURFACE
TRANSPORT MINISTRY, NEW DELHI - 110 001.
- 2 THE NATIONAL HIGHWAY AUTHORITY OF INDIA,
NEW DELHI - 110 001.
- 3 THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
PUBLIC WORKS (C) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

**W.P.(C.) Nos.23625, 27217 of 2019,
24270 of 2020 & 1445 of 2021**

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- 4 THE DISTRICT COLLECTOR,
KOLLAM, CIVIL STATION, KOLLAM - 691 001.
- 5 THE SPECIAL DEPUTY COLLECTOR,
L.A., N.H.47(66) AND COMPETENT AUTHORITY, NATIONAL
HIGHWAY AUTHORITY OF INDIA, CIVIL STATION, KOLLAM - 691
001.
- 6 THE PROJECT DIRECTOR,
PROJECT IMPLEMENTATION UNIT, NHAI, TC 36/414 (5),
KOYIKKAL VEEDU, KAVU LANE, PALKULANGARA, TRIVANDRUM - 695
024.
- 7 THE REGIONAL OFFICER,
NHAI, TC 86/1036, AMBLY ARCADE, SNNRA-9, PETTA,
THIRUVANANTHAPURAM - 695 024.
- 8 SMEC INDIA PVT.LTD.,
CONSULTANTS, TC 86/1036, AMBLY ARCADE, SNNRA-9, PETTA,
THIRUVANANTHAPURAM - 695 024.
- 9 VALIYAVEETIL MOHAIDEEN MASJID AND MADRASA,
UMAYANELLOOR P.O., KOLLAM - 691 589.
BY ADVS.
SMT.I. SHEELA DEVI, CGC
GOVERNMENT PLEADER, SRI.JAFAR KHAN Y.
SRI.MATHEWS K.PHILIP

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
12.07.2021, ALONG WITH WP(C).23625/2019 AND CONNECTED CASES, THE
COURT ON 23.7.21 DELIVERED THE FOLLOWING:**

APPENDIX OF WP(C) 1445/2021

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF DOC. NO.5691 OF 1986 SRO KOLLAM DATED 10.12.1986.
- EXHIBIT P2 TRUE COPY OF THE PHOTOGRAPHS SHOWING THE TEMPLE AND ITS PROPERTIES DATED NIL.
- EXHIBIT P3 TRUE COPY OF THE 3A NOTIFICATION PUBLISHED IN MATHRUBHUMI DAILY DATED 13.7.2019.
- EXHIBIT P4 TRUE COPY OF THE OBJECTIONS FILED BY THE 1ST PETITIONER TO EXT.P3 DATED 30.7.2019.
- EXHIBIT P5 TRUE COPY OF THE OBJECTIONS FILED BY THE 2ND PETITIONER TO EXT.P3 DATED 30.7.2019.
- EXHIBIT P6 TRUE COPY OF THE RELEVANT PAGE OF REPLY TO THE OBJECTIONS GIVEN BY THE PETITIONERS DATED NIL DATED NIL.
- EXHIBIT P7 TRUE COPY OF THE MANUAL OF GUIDELINES ISSUED BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS DATED 28.12.2017.
- EXHIBIT P8 TRUE COPY OF THE RELEVANT PAGES OF THE NOTIFICATION UNDER SECTION 3(D) OF THE N.H.ACT SHOWING THE PROPERTIES OF THE PETITIONERS DATED 9.6.2020.

APPENDIX OF WP(C) 24270/2020

PETITIONER EXHIBITS

EXHIBIT P1 COPY OF THE ALIGNMENT OF THE YEAR 2008 DATED
NIL.

EXHIBIT P2 COPY OF THE ALIGNMENT OF THE YEAR 2018 DATED
05.06.2018.

EXHIBIT P3 COPY OF THE LETTER OF THE 6TH RESPONDENT DATED
09.04.2018.

EXHIBIT P4 COPY OF THE REPORT OF THE EXECUTIVE OFFICER
DATED 18.05.2018.

EXHIBIT P5 COPY OF THE REPORT OF THE DISTRICT COLLECTOR
DATED 22.05.2018.

EXHIBIT P6 COPY OF THE LETTER OF THE 7TH RESPONDENT DATED
12.12.2018.

EXHIBIT P7 COPY OF THE LETTER OF THE 6TH RESPONDENT DATED
29.09.2018.

EXHIBIT P8 COPY OF THE LETTER OF THE 6TH RESPONDENT DATED
21.08.2018.

EXHIBIT P9 COPY OF THE LETTER OF THE 7TH RESPONDENT DATED
25.06.2018.

RESPONDENT 'S

EXHIBITS :

EXHIBIT R5(a) TRUE COPY OF THE OBJECTION FILED BY THE
PETITIONER

EXHIBIT R5(b) TRUE COPY OF THE ORDER NO.A1-264/2019 (241)
DATED 24.11.2019

APPENDIX OF WP(C) 27217/2019

PETITIONER EXHIBITS

- EXHIBIT P1 DATED 10/12/1986, TRUE COPY OF DOC.NO.5691 OF 1986 SRO, KOLLAM.
- EXHIBIT P2 DATED NIL, TRUE COPY OF THE PHOTOGRAPHS SHOWING THE TEMPLE AND ITS PROPERTIES.
- EXHIBIT P3 DATED NIL, TRUE COPY OF THE SKETCH FROM CHAINAGE 500 TO 501 SHOWING THE EXISTING ROAD WIDTH AND THE PROPOSED ROAD WIDTH IN THE YEAR 2010.
- EXHIBIT P4 DATED NIL, TRUE COPY OF THE NEW SKETCH PREPARED IN THE YEAR 2018, SHOWING THE CHAINAGE 500 TO 501 OF UMayANALLOOR VILLAGE.
- EXHIBIT P5 DATED NIL, TRUE COPY OF WRITTEN OBJECTIONS SUBMITTED BY THE 1ST PETITIONER BEFORE THE 5TH RESPONDENT.
- EXHIBIT P6 DATED 20/4/2018, TRUE COPY OF INFORMATION FURNISHED BY THE PUBLIC INFORMATION OFFICER OF NATIONAL HIGHWAY (KOLLAM DIVISION), UNDER THE RTI ACT.
- EXHIBIT P7 DATED 9/4/2018, TRUE COPY OF THE INFORMATION FURNISHED BY THE 6TH RESPONDENT UNDER THE RTI ACT.
- EXHIBIT P8 DATED NIL, THE PHOTOGRAPHS SHOWING THE 9TH RESPONDENT MASJID.
- EXHIBIT P9 DATED 4/8/2018 TRUE COPY OF THE APPLICATION MADE BY SRI.ARUN, UNDER THE RTI ACT BEFORE THE PUBLIC INFORMATION OFFICER, NHAI-PIU.
- EXHIBIT P10 DATED 21/8/2018, TRUE COPY OF THE REPLY TO EXT.P9, FURNISHED BY THE 6TH RESPONDENT.
- EXHIBIT P11 DATED 1/6/2018, TRUE COPY OF THE APPLICATION MADE BY SMT.USHA, BEFORE THE PUBLIC INFORMATION OFFICER, NHAI-PIU.

EXHIBIT P12 DATED 4/6/2018, TRUE COPY OF THE INFORMATION RECEIVED UNDER THE RTI ACT FROM THE 6TH RESPONDENT.

EXHIBIT P13 DATED 14/5/2018, TRUE COPY OF THE APPLICATION MADE BY SRI.ARUN, BEFORE THE PUBLIC INFORMATION OFFICER, OFFICE OF THE DISTRICT COLLECTOR, KOLLAM.

EXHIBIT P14 DATED 12/6/2018, TRUE COPY OF THE REPLY FURNISHED BY THE OFFICE OF THE 5TH RESPONDENT TO EXT.P13.

EXHIBIT P15 DATED 6/7/2018, TRUE COPY OF THE REPLY FURNISHED BY THE NHAI-PIU UNDER THE RTI ACT, ALONG WITH THE ATTACHMENT.

EXHIBIT P16 DATED 12/12/2018, TRUE COPY OF THE INFORMATION FURNISHED BY THE NHAI (RO).

EXHIBIT P17 DATED 18/5/2018, TRUE COPY OF THE REPORT OF THE EXECUTIVE ENGINEER, NATIONAL HIGHWAY.

EXHIBIT P18 DATED 22/5/2018, TRUE COPY OF THE REPORT OF THE DISTRICT COLLECTOR, KOLLAM.

EXHIBIT P19 DATED 18/7/2018, TRUE COPY OF THE COUNTER STATEMENT FILED BY THE PROJECT DIRECTOR, PIU IN W.P.(C) NO.18533 OF 2018 BEFORE THIS HON'BLE COURT.

EXHIBIT P20 DATED 29/9/2018, TRUE COPY OF THE INFORMATION FURNISHED BY THE NHAI-PIU.

EXHIBIT P21 DATED 11/4/2019, TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.18533 OF 2018 OF THIS HON'BLE COURT.

EXHIBIT P22 DATED 13/7/2019, TRUE COPY OF THE 3A NOTIFICATION PUBLISHED IN MATHRUBHUMI DAILY.

EXHIBIT P23 DATED 30/7/2019, TRUE COPY OF THE OBJECTIONS FILED BY THE 1ST PETITIONER TO EXT.P22.

EXHIBIT P24 DATED 30/7/2019 TRUE COPY OF THE OBJECTIONS FILED BY THE 2ND PETITIONER TO EXT.P22.

EXHIBIT P25 DATED NIL, TRUE COPY OF THE PHOTOGRAPHS SHOWING THE MARKING MADE BY THE NHAI ON THE BASIS OF THE 3 A NOTIFICATION

**W.P.(C.) Nos.23625, 27217 of 2019,
24270 of 2020 & 1445 of 2021**

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EXHIBIT P26

DATED 17/7/2019, TRUE COPY OF THE APPLICATION
MADE BY SRI.ARUN, UNDER THE RTI ACT

EXHIBIT P27

DATED 22/7/2019, TRUE COPY OF THE REPLY
FURNISHED BY THE NAHI TO EXT.P26

APPENDIX OF WP(C) 23625/2019

PETITIONER EXHIBITS

EXHIBIT P1 THE TRUE COPY OF THE TAX RECEIPT ISSUED TO THE
1ST PETITIONER DATED 23.3.2019.

EXHIBIT P2 THE TRUE COPY OF THE TAX RECEIPT ISSUED TO THE
2ND PETITIONER DATED 15.7.2019.

EXHIBIT P3 TRUE COPY OF THE OBJECTION FILED BY QUADISIYYA
ISLAMIC COMPLEX DATED 3.8.2018.

EXHIBIT P4 THE TRUE COPY OF THE OBJECTION FILED BY
THATTAMALA MUSLIM JAMA ATH DATED 2.8.2018.

EXHIBIT P5 THE TRUE COPY OF THE REPORTS SUBMITTED BY THE
EXECUTIVE ENGINEER DATED 15.5.2018.

EXHIBIT P6 THE TRUE COPY OF THE REPORT DATED 18.5.2018.

EXHIBIT P7 THE REPORT SUBMITTED BY THE DISTRICT COLLECTOR
TO THE ADDITIONAL SECRETARY DATED 22.5.2018.

EXHIBIT P8 THE LETTER GIVEN BY THE DISTRICT COLLECTOR, TO
THE 2ND RESPONDENT DATED 24.5.2018.

EXHIBIT P9 THE TRUE COPY OF THE ANSWER GIVEN TO UNSTATED
QUESTION NO. 944 DATED 27.6.2019.

EXHIBIT P10 THE TRUE COPY OF THE NOTIFICATION PUBLISHED ON
13.7.2019.

EXHIBIT P11 THE TRUE COPY OF THE REPRESENTATION SUBMITTED
BY THE LOCAL INHABITANCE DATED 28.6.2019.

EXHIBIT P12 THE TRUE COPY OF THE APPLICATION SUBMITTED
UNDER RIGHT TO INFORMATION ACT, DATED
17.7.2019

EXHIBIT P13 THE TRUE COPY OF THE REPLY SUBMITTED BY THE
4TH RESPONDENT DATED 22.7.2019

EXHIBIT P14 THE TRUE COPY OF THE LETTER GIVEN BY THE 4TH
RESPONDENT DATED 9.4.2018

RESPONDENT EXHIBITS

EXHIBIT R4 C TRUE COPY OF THE ALIGNMENT PLAN FOR THE
STRETCH FALLING WITHIN CH.500/200 AND
CH.500/800