



2025:KER:31344

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

WP(C) NO. 35076 OF 2022

PETITIONERS:

- 1 U.K.YOOSUF, AGED 47 YEARS,S/O.ABDUL RAHIMAN U.K.,
U.K.PALACE, UPPALA P.O., KASARGOD-671322.
- 2 FATHIMA NAZIA,AGED 40 YEARS, W/O.U.K.YOOSUF,
U.K.PALACE, UPPALA P.O., KASARGOD-671322.

BY ADVS.
P.SATHISAN
DONA AUGUSTINE

RESPONDENTS:

- 1 UNION OF INDIA,REP. BY SECRETARY,
MINISTRY OF ROAD TRANSPORT & HIGHWAYS,
GOVERNMENT OF INDIA, CENTRAL DELHI P.O.,
NEW DELHI-110001.
- 2 DIRECTOR GENERAL (ROAD DEVELOPMENT) & SPECIAL
SECRETARY,
ROOM NO.213, MINISTRY OF ROAD TRANSPORT & HIGHWAYS,
TRANSPORT BHAVAN, 1, PARLIAMENT STREET,
CENTRAL DELHI P.O., NEW DELHI-110001.
- 3 PROJECT DIRECTOR,
NATIONAL HIGHWAYS AUTHORITY OF INDIA (HEAD OFFICE),
DWARAKA SECTOR 10, SOUTH WEST DELHI P.O.,
NEW DELHI-110075.
- 4 CHAIRMAN, NHAI, G-5 & 6, SECTOR-10, DWARAKA,
SOUTH WEST DELHI P.O., NEW DELHI-110075.
- 5 THE PROJECT DIRECTOR,
NATIONAL HIGHWAYS AUTHORITY OF INDIA,
PROJECT IMPLEMENTATION UNIT - KOZHIKODELOTUS HOUSE,
34 1487A, PROVIDENCE WOMEN'S COLLEGE ROAD,
MALAPARAMBA P.O., KOZHIKODE-673009.



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- 6 STATE OF KERALA, EP. BY ITS SECRETARY,
PUBLIC WORKS DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM P.O., PIN - 695 001.
- 7 SPECIAL DEPUTY COLLECTOR, LA (NH),
KASARGOD AND COMPETENT AUTHORITY, CIVIL STATION,
VIDYANAGAR, KASARGOD P.O., PIN-671123.
- 8 DISTRICT COLLECTOR KASARAGOD,
COLLECTORATE, CIVIL STATION, VIDYANAGAR,
KASARAGOD P.O., KERALA 671123.

R1 TO R5 BY ADV KRISHNA T C, SCGC

OTHER PRESENT:

R6 TO R8 BY GP- RIYAL DEVASSY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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VIJU ABRAHAM, J.

.....
W.P.(C) No.35076 of 2022
.....

Dated this the 10th day of April, 2025

JUDGMENT

Petitioners have approached this Court seeking a direction to respondents not to demolish the structures in the unacquired land belonging to the petitioners pending disposal of Ext.P12, which is pending consideration before the Arbitrator and District Collector, Kasaragod.

2. The learned Government Pleader upon instruction submitted that Ext.P12 has been disposed of by the Arbitrator and District Collector, Kasaragod as per order dated 17.11.2023.

Therefore, leaving open the right of the petitioners to challenge the decision of the Arbitrator and District Collector, Kasaragod the writ petition is disposed of. The interim order granted by this Court will continue for a period of two months so as to enable the petitioners to challenge the same.

Sd/-

**VIJU ABRAHAM
JUDGE**



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APPENDIX OF WP(C) 35076/2022

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE SECTION 3G PROCEEDINGS LAC NO.56/BADAJE VILLAGE DATED 11.12.2018.
Exhibit P2	TRUE COPY OF THE LAND TAX RECEIPT NO.KL14030602085/2021 DATED 22.11.2021.
Exhibit P3	TRUE COPY OF THE LAND TAX RECEIPT NO.KL14030601974/2021 DATED 02.11.2021.
Exhibit P4	TRUE COPY OF THE DEMAND DRAFT NO.623357 DATED 27.10.2021 IN FAVOUR OF REGIONAL OFFICER NHAI, RO, KERALA.
Exhibit P5	TRUE COPY OF THE PROCEEDINGS OF 7TH RESPONDENT BEARING NO.LAC NO.56/BADAJE VILLAGE DATED 27.10.2021.
Exhibit P6	TRUE COPY OF COPY OF BUILDING AGE CERTIFICATE DATED 11.08.2022.
Exhibit P7	TRUE COPY OF THE JUDGMENT IN WRIT APPEAL NO.1617 OF 2021 DATED 10.12.2021.
Exhibit P8	TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.3088 OF 2022 DATED 04.02.2022.
Exhibit P9	TRUE COPY OF THE REPRESENTATION DATED 15.02.2022 SUBMITTED BEFORE THE 7TH RESPONDENT.
Exhibit P10	TRUE COPY OF THE REPRESENTATION DATED 07.07.2022 SUBMITTED BEFORE THE 7TH RESPONDENT.
Exhibit P11	TRUE COPY OF THE ORDER IN REF LAC.56/BADAJE DATED 15.10.2022.
Exhibit P12	TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONERS BEFORE THE 8TH RESPONDENT DATED 25.10.2022 ALONG WITH ITS POSTAL RECEIPT.