



2024:KER:76704

W.A.Nos.1558, 1582 & 1583 of 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE CHIEF JUSTICE, MR. NITIN JAMDAR

&

THE HONOURABLE MR. JUSTICE S.MANU

WEDNESDAY, THE 16<sup>TH</sup> DAY OF OCTOBER 2024 / 24<sup>TH</sup> ASWINA, 1946

WA NO. 1558 OF 2024

AGAINST THE JUDGMENT DATED 24.09.2024 IN WP(C) NO.21115 OF  
2024 OF HIGH COURT OF KERALA

APPELLANTS/PETITIONERS:

- 1 WAHABUDDIN  
AGED 74 YEARS  
KIZHAKKE POLIMOOTTIL RESIDING AT CHANDRAGAD P.O.,  
NEDUMANGAD, THIRUVANANTHAPURAM DISTRICT - 695 561  
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER  
MR.SHIBU CHANDRAN NAIR, S/O CHANDRAN NAIR,  
RESIDING AT CHANDRAGIRI, VENKAVILLA, IRINCHAYAM  
P.O., NEDUMANGAD TRIVANDRAM DISTRICT,  
PIN - 695561
- 2 AMIR.N.  
AGED 71 YEARS  
RESIDING AT ARF, EDAVA, EDAVA P.O., VARKALA,  
TALUK, THIRUVANANTHAPURAM DISTRICT, PIN:- 695311  
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER  
MRS. SHAFEEEEKHA, D/O MUHAMMED KUNJU, RESIDING AT  
ARF, EDAVA, EDAVA P.O., PIN - 695311



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BY ADVS.LIJU.V.STEPHEN  
ABHIJITH U.  
INDU SUSAN JACOB

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 THE DISTRICT COLLECTOR  
CIVIL STATION, KUDAPPANAKUNNU P.O.,  
THIRUVANANTHAPURAM, PIN - 695001
- 3 SOCIAL IMPACT ASSESSMENT UNIT  
PLANET KERALA, T.C. 8/1378 (8) SREE BABA LINE,  
VALIYAVILA, THIRUMALA.P.O., THIRUVANANTHAPURAM,  
PIN - 695006
- 4 THE MANAGING DIRECTOR  
ROADS AND BRIDGES DEVELOPMENT CORPORATION OF  
KERALA LTD., 2ND FLOOR, PREETHI BUILDING, M.V.  
ROAD, PALARIVATTOM, KOCHI, PIN - 682025
- 5 THE SPECIAL THAHASILDAR  
L.A. GENERAL, THIRUVANANTHAPURAM, PIN - 695001
- 6 KSCSTE-NATIONAL TRANSPORTATION PLANNING AND  
RESEARCH CENTRE  
(AN INSTITUTION OF KERALA STATE COUNCIL FOR  
SCIENCE, TECHNOLOGY & ENVIRONMENT),  
K. KARUNAKARAN TRANSPARK, AKKULAM, THURUVIKKAL  
P.O., THIRUVANANTHAPURAM,  
REPRESENTED BY ITS DIRECTOR, PIN - 695011

OTHER PRESENT:

SMT RESMITHA R CHANDRAN - SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 08.10.2024,  
ALONG WITH WA.Nos.1582/2024 & 1583/2024, THE COURT ON  
16.10.2024 DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR. JUSTICE S.MANU

WEDNESDAY, THE 16<sup>TH</sup> DAY OF OCTOBER 2024 / 24<sup>TH</sup> ASWINA, 1946

WA NO. 1582 OF 2024

AGAINST THE JUDGMENT DATED 24.09.2024 IN WP(C) NO.25197 OF  
2024 OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

FAZEELA HASHIM  
AGED 63 YEARS  
D/O ABDULSALAM, RESIDING AT HAYATH, EDAVA.P.O.,  
EDAVA VILLAGE, THIRUVANANTHAPURAM DISTRICT  
(SY.NOS.233/15, SUB DIVISION NO.31, AREA 6 ARE 60  
SQM.), PIN - 695311

BY ADVS.LIJU.V.STEPHEN  
ABHIJITH U.  
INDU SUSAN JACOB  
TAJ K. TOM

RESPONDENTS/RESPONDENTS:

1 STATE OF KERALA  
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001



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- 2 THE DISTRICT COLLECTOR  
CIVIL STATION, KUDAPPANAKUNNU P.O.,  
THIRUVANANTHAPURAM, PIN - 695001
- 3 SOCIAL IMPACT ASSESSMENT UNIT  
REPRESENTED BY ITS CHAIRMAN, RPLANET KERALA, T.C.  
8/1378 (8) SREE BABA LINE, VALIYAVILA,  
THIRUMALA.P.O., THIRUVANANTHAPURAM, PIN - 695006
- 4 THE MANAGING DIRECTOR  
ROADS AND BRIDGES DEVELOPMENT CORPORATION OF  
KERALA LTD., 2ND FLOOR, PREETHI BUILDING, M.V.  
ROAD, PALARIVATTOM, KOCHI, PIN - 682025
- 5 THE SPECIAL TAHASILDAR L.A  
GENERAL, THIRUVANANTHAPURAM, PIN - 695001
- 6 NATIONAL TRANSPORTATION PLANNING AND RESEARCH  
CENTRE  
(AN INSTITUTION OF KERALA STATE COUNCIL FOR  
SCIENCE, TECHNOLOGY & ENVIRONMENT),  
K. KARUNAKARAN TRANSPARK, AKKULAM, THURUVIKKAL  
P.O., THIRUVANANTHAPURAM REPRESENTED BY ITS  
DIRECTOR, PIN - 695011

SMT RESMITHA R CHANDRAN - SC

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 08.10.2024,  
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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR. JUSTICE S.MANU

WEDNESDAY, THE 16<sup>TH</sup> DAY OF OCTOBER 2024 / 24<sup>TH</sup> ASWINA, 1946

WA NO. 1583 OF 2024

AGAINST THE JUDGMENT DATED 24.09.2024 IN WP(C) NO.19439 OF

2024 OF HIGH COURT OF KERALA

APPELLANTS/PETITIONERS:

- 1 GEETHA.S.R  
AGED 60 YEARS  
D/O. G. RAGHAVAN, RESIDING AT ROSE GARDEN,  
VENKULAM, EDAVA.P.O., THIRUVANANTHAPURAM  
DISTRICT . (SY.NOS. 240-3-1, 240-3, 240-2-3,  
240- 16-1)., PIN - 695311
- 2 VENETIA RAJAN  
AGED 64 YEARS  
D/O. SAROJINI, AGED 64 YEARS, RESIDING AT PRAKASH  
MANDIRAM, VENKULAM, EDAVA P.O, THIRUVANANTHAPURAM  
DISTRICT, NOW AT BLOCK NO. 109 04-166, BISHAN  
STREET-12, SINGAPORE -570109, REPRESENTED BY HER  
POWER OF ATTORNEY HOLDER, GEETHA.S.R.,  
D/O. G. RAGHAVAN, RESIDING AT ROSE GARDEN,  
VENKULAM, EDAVA.P.O., THIRUVANANTHAPURAM  
DISTRICT. (SY.NOS. 240-2-3, 240-16), PIN - 695311



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- 3 SHABEELA DILEEP  
AGED 51 YEARS  
W/O. DILEEP, DARUL HUSSAIN, EDAVA.P.O.,  
THIRUVANANTHAPURAM DISTRICT, (SY.NO.233-9)., PIN  
- 695311
- 4 N.KANAKANGI VAMADEVAN  
AGED 68 YEARS  
W/O. VAMADEVAN, PAYATTUVILA HOUSE, VENKULAM,  
EDAVA.P.O., THIRUVANANTHAPURAM DISTRICT, (SY.NO.  
239-4)., PIN - 695311
- 5 A.H. NIZAMUDDIN  
AGED 75 YEARS  
S/O. ABDUL HAMEED, PUTHOORAM, EDAVA.P.O.,  
THIRUVANANTHAPURAM DISTRICT. (SY.NO. 524-7).,  
PIN - 695311
- 6 A. JALALUDHEEN  
AGED 68 YEARS  
S/O. ABDUL SALAM, NOORJALAL RESIDENCY,  
EDAVA.P.O., THIRUVANANTHAPURAM DISTRICT.  
(SY.NO. 233- 9-1)., PIN - 695311

BY ADVS.  
LIJU.V.STEPHEN  
ABHIJITH U.  
INDU SUSAN JACOB

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 THE DISTRICT COLLECTOR  
CIVIL STATION, KUDAPPANAKUNNU P.O.,  
THIRUVANANTHAPURAM, PIN - 695001



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- 3 SOCIAL IMPACT ASSESSMENT UNIT  
PLANET KERALA, T.C. 8-1378 (8) SREE BABA LINE,  
VALIYAVILA, THIRUMALA.P.O., THIRUVANANTHAPURAM,  
PIN - 695006
- 4 THE MANAGING DIRECTOR  
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KERALA LTD., 2ND FLOOR, PREETHI BUILDING, M.V.  
ROAD, PALARIVATTOM, KOCHI, PIN - 682025
- 5 THE SPECIAL TAHASILDAR L.A GENERAL  
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K. KARUNAKARAN TRANSPARK, AKKULAM, THURUVIKKAL  
P.O., THIRUVANANTHAPURAM, REPRESENTED BY ITS  
DIRECTOR, PIN - 695011

SMT RESMITHA.R.CHANDRAN - SC

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[CR]

NITIN JAMDAR, C.J.

&

S.MANU, J.

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W.A.Nos.1558, 1582 & 1583 of 2024  
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Dated this the 16<sup>th</sup> day of October, 2024

## JUDGMENT

S.MANU, J.

Appellants in these Appeals are aggrieved by the dismissal of W.P.(C)Nos.21115/2024, 25197/2024 and 19439/2024 by common judgment dated 24 September 2024 of the learned Single Judge. The challenge was against proceedings for acquisition of land for the construction of Railway Over Bridge (ROB) at level crossing No.555 at Edava in Thiruvananthapuram District.

2. 43 residents of Edava approached this Court in W.P.(C)No.23560/2019 challenging the acquisition proceedings, to be precise, against the social impact assessment study report dated 26 April





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2019. By judgment dated 20 October 2020 the learned Single Judge disposed the Writ Petition noting that it is for the District Collector to take appropriate decision in the matter. Pursuant to the judgment, the District Collector issued Ext.P7 proceedings on 5 November 2020. It was clearly found by the District Collector that alternative alignments are not viable. Proceedings of the Collector was challenged in W.P.(C)No.28008 of 2020. By interim order dated 25 February 2021 the learned Single Judge directed National Transportation Planning and Research Centre (NATPAC) to depute a team of experts to inspect the proposed site and submit a report regarding feasibility of the alternative route suggested by the Writ Petitioners. A report was accordingly submitted. Writ Petition was disposed by judgment dated 12 February 2024 by setting aside the proceedings of the Collector and directing the said authority to reconsider the matter after giving opportunity of hearing to the Writ Petitioners. The learned Single Judge also directed that the Petitioners shall not be dispossessed of their properties till fresh decision is taken. The Collector thereafter issued fresh proceedings on 30 April 2024. A perusal of the said document shows that the contentions regarding alternate alignments were specifically addressed



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by the District Collector. Thereafter, by order dated 13 May 2024, the Collector directed to proceed with the acquisition. W.P.(C)Nos.21115/2024, 25197/2024 and 19439/2024 were filed challenging the order dated 13 May 2024. The reliefs sought in the Writ Petitions include a direction to the official Respondents to conduct a fresh Social Impact Assessment Study regarding the alternate alignment and also to issue fresh notification for acquisition.

3. The official Respondents opposed the reliefs sought by the Petitioners. The learned Single Judge heard counsel representing all parties and after elaborate analysis of the contentions concluded that a comprehensive assessment considering various aspects relating to land acquisition, feasibility and social impact was conducted by the authorities. The learned Judge held that the Petitioners cannot dictate the way the alignment is to be fixed. The limited scope of interference in writ jurisdiction was also noted and finally the Writ Petitions were dismissed.

4. We heard Sri.Liju V.Stephen, learned counsel appearing for the



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Appellants and Smt.Resmitha R.Chandran, learned Standing Counsel for the Roads and Bridges Development Corporation of Kerala Ltd. We have carefully examined the pleadings and documents also.

5. Sri.Liju V.Stephen reiterated the grounds raised in the appeal memorandum and pleaded that no effective social impact assessment regarding various alignments suggested was conducted. He submitted that the present alignment causes hardships and loss to the Petitioners and several others. If the alignment is changed as suggested by the Petitioners, the inconvenience and hardships to the inhabitants of the locality can be averted. He argued that the authorities, despite interference by this Court on two previous occasions have not conducted a meaningful assessment with reference to the grievances and contentions of the Appellants. The learned Standing Counsel for the Roads and Bridges Development Corporation of Kerala Ltd., on the other hand, vehemently submitted that the Appellants are trying to hold the project for the past several years by raising untenable contentions and repeatedly approaching this Court. She, with reference to relevant documents, submitted that feasibility of alternative alignments



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suggested by the Appellants was also analysed by the authorities appropriately. She pointed out that the concerned authorities have taken note of the proposed alignments while conducting social impact study also. Reasons for rejecting the proposals of the Petitioners regarding alternative alignments have been specifically stated in the report of social impact assessment and in the proceedings of the District Collector. She also submitted that interference by the High Court under Article 226 of the Constitution in such matters is permitted only in very rare circumstances. Scope of interference being so limited, she appealed that this Court may not interfere with the proceedings of District Collector which has been upheld by the learned Single Judge.

6. As the learned Single Judge has elaborately narrated the sequence of events and factual aspects in the impugned common judgment we do not find it essential to restate the same in our judgment. We proceed further, referring to the following observation of the Hon'ble Supreme Court regarding the scope of judicial review as stated in *State of U.P. and others v. Johri Mal [(2004) 4 SCC 714]*:-



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*“28. The Scope and extent of power of the judicial review of the High Court contained in Article 226 of the Constitution of India would vary from case to case, the nature of the order the relevant statute as also the other relevant factors including the nature of power exercised by the public authorities, namely, whether the power is statutory, quasi judicial or administrative. The power of judicial review is not intended to assume a supervisory role or done the robes of omnipresent. The power is not intended either to review governance under the rule of law nor do the courts step into the areas exclusively reserved by the supreme lex to the other organs of the State. Decisions and actions which do not have adjudicative disposition may not strictly fall for consideration before a judicial review court.”*

7. We note that these Appeals have arisen from the third round of litigation at the instance of the Appellants. Despite the settled position in law that scope of interference in such matters is limited, this Court on two occasions granted reliefs to the Appellants. In the first round the matter was remitted back to the District Collector with a direction to hear the persons who had approached this Court and to pass fresh orders.



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In the second round this Court granted unusual indulgence by issuing a direction to the NATPAC to conduct inspection and to submit a report. After obtaining the report, issue was again remitted back to the District Collector. A period of about five years has lapsed from the date of issuance of Ext.P4 notification for acquisition. Finally, by the impugned judgment, proceedings initiated by the authorities have been approved.

8. In *Union of India (UOI) v. Kushala Shetty and Ors.* [(2011) 12 SCC 69] the Hon'ble Supreme Court held as follows:-

*“24. 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 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*



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*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 sub serve 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 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 any violation of mandate of the 1956 Act has been established nor the charge of malice in fact has been proved. Therefore, the order under challenge cannot be sustained.”*

9. Later, in *The Project Director, Project Implementation Unit v. P.V. Krishnamoorthy and Ors.* [(2021) 3 SCC 572] the Apex Court referred to the above observations in *Kushala Shetty* and relied on the same. Though the above observations were in the context of a project of the National Highway Authority of India, the same applies all fours to the facts and circumstances of the case on hand also.



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10. The Hon'ble Supreme Court in *National High Speed Rail Corporation Limited v. Montecarlo Limited and another [(2022) 6 SCC 401]* held as follows:-

*“48. Even while entertaining the writ petition and/or granting the stay which ultimately may delay the execution of the Mega projects, it must be remembered that it may seriously impede the execution of the projects of public importance and disables the State and/or its agencies/instrumentalities from discharging the constitutional and legal obligation towards the citizens. Therefore, the High Courts should be extremely careful and circumspect in exercise of its discretion while entertaining such petitions and/or while granting stay in such matters. Even in a case where the High Court is of the prima facie opinion that the decision is as such perverse and/or arbitrary and/or suffers from mala fides and/or favouritism, while entertaining such writ petition and/or pass any appropriate interim order. High Court may put to the writ petitioner's notice that in case the petitioner loses and there is a delay in execution of the project due to such proceedings initiated by him/it, he/they may be saddled with the damages caused for delay in*





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*execution of such projects, which may be due to such frivolous litigations initiated by him/it. With these words of caution and advice, we rest the matter there and leave it to the wisdom of the Court(s) concerned, which ultimately may look to the larger public interest and the national interest involved. ”*

11. A Division Bench of this Court in *Abdul Razak and others v. Union of India and others* [2024 (4) KLT 497] held as follows:

*“7. We note that the appellants are not espousing their private interests and are rather raising the plea on behalf of the general public of the locality who have been impacted by the construction of NH 66. However, the larger public good involved in projects like the construction of National Highways criss-crossing the length and breadth of the country augmenting the much needed national infrastructure need not be overemphasized. Thus there arises the need to balance the interests of the people of a particular locality with that of the interest of the public at large so as to subserve the 'common good'. The Supreme Court in *Coal India Ltd. and another v. Competition Commission of India and another* [MANU/SC/0670/2023]) has held that the expression 'common good' referred to in Article 39(b) of the Constitution in a Benthamite sense involves achieving*



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*the highest good of the maximum number of people. Viewed from the point of view of 'Common good' as a resolve to achieve the highest good of the maximum number of people, the individual interests of a group must yield to the larger public interest [Asha Ranjan v. State of Bihar and others [MANU/SC/0159/2017: 2017:INSC:150: (2017) 4 SCC 397]. In the context of reconciling public interest with private interest, the Supreme Court in Dr.Abraham Patani of Mumbai and another v. The State of Maharashtra and others (MANU/SC/1087/2022) considered the scope and ambit of Public interest and concluded as follows:*

*"91. At the same time, we must not lose sight of the fact that in several situations, the needs of the many must outweigh that of the few. We say so not with any fervour nor as a mantra, but as a solemn acknowledgment of the realities of modern life. The question of what constitutes "public interest" has been contemplated upon multiple times and the history of this Court is full of musings by different benches on the exact contours of this phrase in the context of various situations and statutes.*

.....

*95.It is unnecessary to belabour the point. The proposition is simply that the notion of public interest will necessarily reflect the specificities of*



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*the situation at hand. In the present case, the public interest which has been emphasized upon by Respondents is the urgent need for the creation of a connecting road through the Appellants' property. The need stems from the traffic congestion caused on the route from the Mahakali Caves to the Central MIDC. The lack of a direct linkage requires detours to be taken that significantly increase commuting time and cause inconvenience to the general public.*

*96. When the public interest is so clearly articulated and is an urgent and pressing exigency, private interests must give way to the extent required.”*

12. Though in a matter arising from a dispute regarding terms of a contract, the Hon'ble Supreme Court in *N.G.Projects Limited v. Vinod Kumar Jain and others [(2022) 6 SCC 127]*, taking note of insertion of Clause (ha) in Section 41 of the Specific Relief Act, 1963 by Central Act 18 of 2018 as also the report of the expert committee constituted for examining the Specific Relief Act which recommended the amendment held thus:-

*“21. Since the construction of road is an infrastructure*



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*project and keeping in view the intent of the legislature that infrastructure projects should not be stayed, the High Court would have been well advised to hold its hand to stay the construction of the infrastructure project. Such provision should be kept in view even by the Writ Court while exercising its jurisdiction Under Article 226 of the Constitution of India.”*

13. Way back, nearly three decades ago, in *Ramniklal N Bhutta and another v. State of Maharashtra and others [(1997) 1 SCC 134]*, Hon’ble Supreme Court observed as follows:

*"10. Before parting with this case, we think it necessary to make a few observations relevant to land acquisition proceedings. Our country is now launched upon an ambitious programme of all-round economic advancement to make our economy competitive in the world market. We are anxious to attract foreign direct investment to the maximum extent. We propose to compete with China economically. We wish to attain the pace of progress achieved by some of the Asian countries, referred to as "Asian tigers", e.g., South Korea, Taiwan and Singapore. It is, however, recognised on all hands that the infrastructure necessary for sustaining such a pace of progress is woefully lacking in our country. The means of*



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*transportation, power and communications are in dire need of substantial improvement, expansion and modernisation. These things very often call for acquisition of land and that too without any delay. It is, however, natural that in most of these cases, the persons affected challenge the acquisition proceedings in courts. These challenges are generally in the shape of writ petitions filed in High Courts. Invariably, stay of acquisition is asked for and in some cases, orders by way of stay or injunction are also made. Whatever may have been the practices in the past, a time has come where the courts should keep the larger public interest in mind while exercising their power of granting stay/injunction. The power under Article 226 is discretionary. It will be exercised only in furtherance of interests of justice and not merely on the making out of a legal point. And in the matter of land acquisition for public purposes, the interests of justice and the public interest coalesce. They are very often one and the same. Even in a civil suit, granting of injunction or other similar orders, more particularly of an interlocutory nature, is equally discretionary. The courts have to weigh the public interest vis-a-vis the private interest while exercising the power under Article 226 - indeed any of their discretionary powers. It may even be open to the High Court to direct, in case it finds finally that the acquisition was vitiated on account of non-compliance with some legal requirement that the persons interested shall also be entitled to a particular amount of damages to be awarded*



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*as a lump sum or calculated at a certain percentage of compensation payable. There are many ways of affording appropriate relief and redressing a wrong; quashing the acquisition proceedings is not the only mode of redress. To wit, it is ultimately a matter of balancing the competing interests. Beyond this, it is neither possible nor advisable to say. We hope and trust that these considerations will be duly borne in mind by the courts while dealing with challenges to acquisition proceedings."*

14. Principles laid down in the precedents referred above are beyond any doubt relevant in deciding the issue involved in these appeals. Scope of judicial review in the case of technical matters related to infrastructure projects like alignment is extremely limited. Same is the case with acquisition of land also. We are conscious of the fact that delay in acquisition of land as well as implementation of projects involving huge expenditure would lead to multiplication of the financial burden, apart from delaying the enjoyment of benefits envisioned to be made available to the public with the implementation. It needs no mention that the cost of construction escalates with passage of time. A project contemplated at one point of time, when implemented several years later, would cause



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huge loss to the public exchequer. Overwhelming public interest involved in infrastructure development shall not be lost sight of while exercising the power of judicial review in cases calling in question various steps taken by the authorities concerned for implementation of projects. Balancing public interest vis-a-vis private interests appropriately is essential in such cases.

15. We do not find violation of the provisions of any of the relevant laws in these cases justifying interference in exercise of the jurisdiction under Art. 226 of the Constitution. The writ court is not expected to repeatedly interfere with the proceedings of the competent authorities, till the petitioners are satisfied. As noted above, indulgence was shown by this Court in favour of the Appellants in two rounds of litigation. Though it was not strictly within the realm of judicial review, the learned Single Judge in the second round of litigation issued a direction to NATPAC to conduct a study and obtained a report. The authorities concerned, however, for reasons narrated in the impugned proceedings concluded that the alignment proposed by the experts alone can be followed and the other alignments suggested by the Appellants are not



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technically feasible. In the light of the principles laid down by the Apex Court, it is not for this Court to take a different view in matters like alignment of a railway over bridge.

16. We do not find any merit in the contention raised by the Appellants regarding social impact assessment also. We accept the contentions to the contrary advanced by the learned Standing Counsel for the Roads and Bridges Development Corporation with reference to relevant documents. As rightly contended by the learned Standing Counsel, we are satisfied that the Appellants, by repeatedly invoking the Writ jurisdiction of this Court, are desperately trying to frustrate the acquisition of their properties for the construction of the railway over bridge.

17. On appreciation of the contentions of both sides and perusal of the impugned judgment, keeping in mind the principles laid down in the aforementioned precedents, we are of the view that the learned Single Judge has properly addressed all contentions of the Appellants and arrived at a right conclusion.





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18. In the light of the above discussion, we conclude that there is absolutely no merit in the contentions of the Appellants. Writ Appeals are consequently dismissed.

Sd/-

**NITIN JAMDAR**  
**CHIEF JUSTICE**

Sd/-

**S.MANU**  
**JUDGE**

skj



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APPENDIX OF WA 1582/2024

PETITIONER EXHIBITS

Exhibit P3	ENGLISH TRANSLATION OF EXHIBIT P3
Exhibit P4	ENGLISH TRANSLATION OF EXHIBIT P4
Exhibit P7	ENGLISH TRANSLATION OF EXHIBIT P7
Exhibit P10	ENGLISH TRANSLATION OF EXHIBIT P10
Exhibit P12	ENGLISH TRANSLATION OF EXHIBIT P12
Exhibit R3(b)	ENGLISH TRANSLATION OF EXHIBIT R3 (B)
Exhibit R3(c)	ENGLISH TRANSLATION OF EXHIBIT R3 (C)
Exhibit R4(a)	ENGLISH TRANSLATION OF EXHIBIT R4 (A)

APPENDIX OF WA 1583/2024

PETITIONER EXHIBITS

Exhibit P3	ENGLISH TRANSLATION OF EXHIBIT P3 RELEVANT PAGES
Exhibit P4	ENGLISH TRANSLATION OF EXHIBIT P4
Exhibit P7	ENGLISH TRANSLATION OF EXHIBIT P7
Exhibit P10	ENGLISH TRANSLATION OF EXHIBIT P10
Exhibit R3(b)	ENGLISH TRANSLATION OF EXHIBIT R3 (B)
Exhibit R3(c)	ENGLISH TRANSLATION OF EXHIBIT R3 (C)
Exhibit R4(a)	ENGLISH TRANSLATION OF EXHIBIT R4 (A)

APPENDIX OF WA 1558/2024

RESPONDENT ANNEXURES

Annexure R4(c)	Sketch showing Option-I and Option-II alignments together.
Annexure R4(d)	Sketch showing Option-I and Option-II separately
Exhibit	English Translation of the relevant portion of Exhibit P3 (from pages 146 to 159 of the writ appeal)