

Court Blocks Move to Halt TH-3

By Harriet Gee
Star-Bulletin Writer

Circuit Court Judge Arthur S. K. Fong today blocked efforts by a group of Windward Oahu residents to stop construction of the TH-3 freeway by dismissing their lawsuit.

Fong ruled that Hui Malama Aina O Ko'olau's complaint was defective because it failed to include an indispensable party, the State, which is building the controversial project.

Only the City was sued by Hui Malama last June after the City Council amended the Oahu General Plan to include a transportation corridor in which the TH-3 freeway could be built.

Hui Malama contended that the Council's amendment was void because it violated the City Charter which prohibits piecemeal amendments to the general plan.

THE GROUP also asked that an injunction be issued to forbid the amendment.

Fong ruled that the State should have been named as a defendant in the suit because it would be directly affected by any decision made by the court.

Fong said the State should be given an opportunity to present its views and defend its position on the freeway project.

He did not pass judgment on the merits of the freeway.

Nearly two months ago, after a prolonged court battle, Federal Judge Samuel P. King permitted the State to resume work on the freeway.

Several groups and individuals have filed suits in Federal Court to stop the freeway's construction on environmental grounds.

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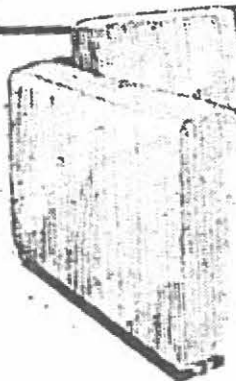
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