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W.P.No.16813 of ----

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

CORAM:

THE HON'BLE MR. JUSTICE M. SUNDAR
and
THE HON'BLE MR. JUSTICE R. SAKTHIVEL

W.P.No.16813 of 2025

B. Devasenapathi

Petitioner

vs.

1. The District Collector
Krishnagiri District
Krishnagiri
2. The Project Director
National Highways Authority of India
Project Implementation Unit
Door No.26, I Floor
VGP Nagar West
Vazhuthareddy Post
Villupuram 605 401
3. Muniyappan
4. The Tahsildar
Krishnagiri Taluk
Krishnagiri District
5. The Assistant Engineer (Highways)
Krishnagiri Taluk and District

Respondents

(RR 4 and 5 *suo motu* impleaded by Court today)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to evict the encroachment as found in National Highways No.66 at Uthangarai Town, Krishnagiri District, in front of the petitioner's building.



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For petitioner Mr. A. Logesh
For RR 1,4 & 5 Mr. T.K. Saravanan
 Addl. Govt. Pleader
For R2 Ms. S.R. Sumathy
 Standing Counsel
 - - - - -

ORDER

(made by M. SUNDAR, J.)

There were two earlier listings of the captioned 'writ petition' [hereinafter 'WP' for the sake of brevity], one on 02.06.2025, another on 16.06.2025 and the proceedings/orders made on these two listings are as follows:

Proceedings made on 02.06.2025:

'W.P.No.16813 of 2025

M. SUNDAR, J.
and
HEMANT CHANDANGOUDAR, J.

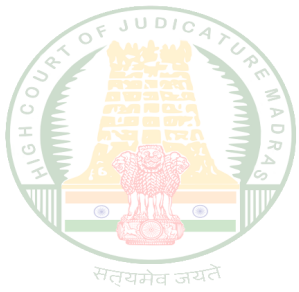
ORDER

(made by M. SUNDAR, J.)

Subject matter of captioned writ petition is alleged encroachment in N.H. No.66 in Uthangarai Town, Uthangarai Taluk, Krishnagiri District in front of writ petitioner's property comprised in S.No.27/2D2, Door No.52, Pazhaya Kadai Veedhi, Uthangarai Town, Uthangarai Taluk, Krishnagiri District.

2. Learned counsel for writ petitioner draws our attention to a notice dated 13.08.2020 bearing reference NHAI/PIU/VPM/NH66/VI-A/2020/1239 issued by R2 [Project Director, National Highways Authority of India (NHAI)] to R3 (Muniyappan). Learned counsel submits that there is abject inaction *qua* aforereferred notice and that has necessitated the captioned writ petition.

3. To be noted, a scanned reproduction of aforereferred notice dated 13.08.2020 is as under:



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Phone : 04146 - 258247
Fax : 04146 - 258248
E-mail : viluppuram@nhai.org
E-mail : nhai@nhai.org
E-mail : piuvpm.nhai@gmail.com

भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय)
National Highways Authority of India
(Ministry of Road Transport and Highways)
Office of the Project Director, P.I.U.,
No.26, 1st Floor, V.G.P. Nagar West, Vazhuthareddy Post,
Viluppuram - 605 401, Tamil Nadu.



BHARATMALA
ROAD TO PROSPERITY

NHA/PIU/VPM/NH66/VI-A/2020/12-39

13th August 2020

NOTICE FOR REMOVAL OF UNAUTHORIZED OCCUPATION
(Under Sub-Section (2) of Section 26 and Sub Section (4) of Section 29 of the Control of National Highways (Land and Traffic) Act 2002)

Whereas I, on periodical inspection of the highway land on the information received by me, I am satisfied that an unauthorized occupation has taken place on the Highway by you established road and such an unauthorized occupation has been caused by you / you are responsible for such unauthorized occupation.

Therefore you, Sri Muniyappan S/o Mani Phone 9488561603, Uthangarai Town & Taluk Krishnagiri District, take notice that you are hereby required to remove/ vacate the such above said unauthorized occupation (established Illegal Access, situated at Uthangarai Town of National Highways No: 66) within fifteen days (15 days) from the date on which this notice is served on you. If you have not removed, the unauthorized occupation (established Illegal Access, situated at Uthangarai Town your own cost, we have to remove the same, and the cost will be collected from you. You may make representation within three days from the date on which this notice is served on you to the Project Director, NHAI, Project Implementation Unit, Door No: 26, 1 Floor, VGP Nagar West, VazuthaReddy Post, Villupuram 605 401, and be aware of the notice that failure to comply with this notice shall render you liable to penalty and summary eviction from the aforementioned highway land under sub-section 96) of section 26 of the control of National Highways (Land and Traffic) Act 2002 913 of 2003)

Issued under my hand and seal at Villupuram on 13th day of August 2020.

Place: Villupuram.

Signature of Highways Administration

Officer Authorized

State of Tamil Nadu.

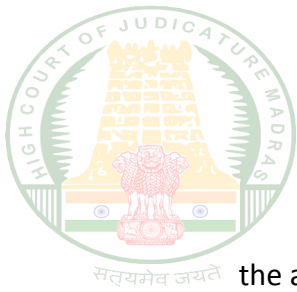
To:
Sri Muniyappan S/o Mani,
Uthangarai Town,
Krishnagiri District,
Phone 9488561603.

Head Office : G - 5 & 6, Sector - 10, Dwarka, New Delhi - 110 075. Website: www.nhai.org

Regional Office : Plot No.P-34, 3rd Floor, Sri Towers (SP) Industrial Estate, Guindy, Chennai - 600 032.

4. Issue notice to official respondents for the present.

5. Mr.T.K. Saravanan, learned Additional Government Pleader, accepts notice for R1 and Ms. S.R. Sumathy, learned Standing Counsel, accepts notice for R2.



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6. Learned Standing Counsel for R2 requests for time to ascertain if the aforereferred land still vests with NHAI or if it has now become part of State Highways.

7. Request acceded to.

8. List under the cause list caption 'NOTICE REGARDING ADMISSION' a fortnight hence but in the Admission Board.

9. List on 16.06.2025.

(M.S., J.) (H.C., J.)
02.06.2025'

Proceedings made on 16.06.2025:

'W.P.No.16813 of 2025

M.SUNDAR, J.
and
HEMANT CHANDANGOUDAR, J.

(Order of the Court was made by M.SUNDAR, J.)

Adverting to earlier proceedings dated 02.06.2025, more particularly paragraph 6 thereof, Ms.S.R.Sumathy, learned Standing Counsel for R2 requests for further time.

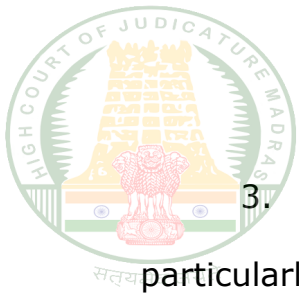
2. Request acceded to.

3. List one week hence.

4. List on 23.06.2025 in the Admission Board, *i.e.*, Motion List.

(M.S., J.) (H.C., J.)
16.06.2025'

2. The aforementioned two proceedings speak for themselves and therefore, we are not dilating any further on the same. Suffice to write that the aforementioned proceedings shall now be read as an integral part and parcel of this order.



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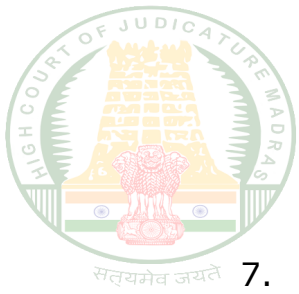
3. Adverting to aforesaid proceedings dated 02.06.2025, more particularly paragraph 6 thereof, Ms. S.R. Sumathy, learned Standing Counsel for R2 (NHA), submitted that a status report dated 09.06.2025 (status report of R2) has been filed and learned Standing Counsel drew our attention to paragraph 6 thereof which reads as follows:

'6. I humbly submit that on the basis of direction of competent authority, NHA Hqtrs., New Delhi letter dated 04.01.2022, NHA, PIU, Villupuram has handed over the existing Uthangarai Town Road [bypassed sections] including other 5 bypasses and 7 re-alignments in Villupuram and Krishnagiri Districts to the Divisional Engineer [NH], Highways Department, Salem for one time improvement and further maintenance vide this office letter no.11025/NH66/Vol.4/2022/PIU-VPM/53 dt. 19.01.2022.'

4. Learned Standing Counsel for R2 submits that it is now for the State Highways Department to initiate action under the appropriate statute.

5. Mr. T.K. Saravanan, learned Additional Government Pleader for R1 (District Collector), submits that it is imperative to implead the Tahsildar, Krishnagiri Taluk, Krishnagiri District and the Assistant Engineer (Highways), Krishnagiri Taluk and District, as respondents in the captioned WP and makes a request in this regard.

6. We accede to the aforesaid request of learned State counsel and accordingly, the Tahsildar, Krishnagiri Taluk, Krishnagiri District and the Assistant Engineer (Highways), Krishnagiri Taluk and District, are now *suo motu* impleaded as RR 4 and 5 respectively.



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7. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for newly impleaded respondents, viz., RR 4 and 5, also.

8. Learned State counsel, submits, on instructions, that a survey will be conducted after putting all concerned on notice, more particularly, writ petitioner, R3 (private respondent) and if encroachment is found, R3 will be show caused *vide* Section 28(2)(ii) of 'the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002)' [hereinafter 'the TN Highways Act' for the sake of brevity].

9. Therefore, captioned WP stands vastly descoped and owing to this, with the consent of the aforementioned learned counsel, captioned WP was taken up and heard out. We make it clear that all the rights and contentions of R3 remain preserved if show caused and this order does not impact the rights and contentions of R3 in any manner. In this view of the matter, notice to R3 is dispensed with.

10. In the light of the narrative thus far, the following order is made:

Survey of said lands shall be done within a period of six weeks from today, *i.e.*, on or before 04.08.2025 and depending on the outcome of the survey, action for removal of



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encroachment (if found) shall be commenced *vide* the TN Highways Act, as expeditiously as the business of official respondents would permit but in any event within a period of four weeks therefrom, *i.e.*, on or before 15.09.2025.

11. Captioned WP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
23.06.2025

cad

To

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Krishnagiri
2. The Project Director
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