



WEB COPY

W.P.No.14002 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2026

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.14002 of 2022

and

W.M.P.No.13251 of 2022

K.Gunasekaran

... Petitioner

-VS-

1.State of Tamil Nadu,
Rep. by its Secretary,
Highways Department,
Fort St. George,
Chennai – 600 009.

2.The District Collector,
Salem District,
Salem.

3.The Divisional Engineer,
Highways Department,
Salem.

4.The Assistant Divisional Engineer,
Highways Department,
Vazhappadi, Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider petitioner's representation dated 10.05.2022 and direct the 3rd respondent,



W.P.No.14002 of 2022

the Authority competent under the Highways Act if he chooses to proceed further to comply with the provisions of Highways Act by affording opportunity of being heard and other reliefs.

For Petitioner : Mr.Aditya Sarangarajan
for Mrs.Shanmitha

For Respondents : Mr.A.Selvendran
Spl. Govt. Pleader

ORDER

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

The Writ of Mandamus has been instituted to consider the representation of the petitioner dated 10.05.2022 and to provide an opportunity of being heard.

2. The Highways Authorities identified encroachments in the Highways property. The highways encroachments are obstructing the free flow of traffic, which would result in accidents. Appropriate actions under the Highways Act was initiated under Section 28 and notice was issued to encroachers. The Department is attempting to evict the encroachers from the year 2016 onwards and on account of Writ Petition filed in W.P.No.10205 of 2016 and due to further prolongation of litigation, the Highways Authorities could not able to evict the encroachers.



W.P.No.14002 of 2022

3. The previous actions taken by the competent Authorities of the Highways Department has been narrated in paragraph No.4 of the counter affidavit which has been extracted hereunder:-

4. It is submitted with regard to averments made in the para 4 of the affidavit, the allegations are false and denied. The 4th respondent, the competent Authority, has given sufficient opportunity to the encroachers since from the year 2016 on different occasions are as follows:-

i) The show cause notices were given to all the encroachers on 22.11.2016. Further actions were interrupted due to pending disposal of the W.P.No.10205/2016 on the file of Hon'ble High Court, Chennai till final orders on 06.10.2021.

ii) Notice to the encroachers vide Lr.No.ஆக்கிரமிப்பு/உ/ dt.27.01.2022.

iii) Notice to the encroachers vide Lr.No.ஆக்கிரமிப்பு/உ/ dt.31.01.2022

iv) Notice to the encroachers vide Lr.No.ஆக்கிரமிப்பு/2022/இவஅ/ dt.24.07.2022

v) Notice to the encroachers vide Lr.No.ஆக்கிரமிப்பு/உ/ dt.13.05.2022

vi) Notice to the encroachers vide Lr.No.ஆக்கிரமிப்பு/உ/ dt.23.05.2022

vii) Notice to the encroachers vide Lr.No.ஆக்கிரமிப்பு/உ/ dt.23.05.2022

As stated above actions were taken by this respondent as per the directions in the order dated 03.02.2022 in



W.P.No.14002 of 2022

W.P.No.1964 of 2022 by the Division Bench of this Hon'ble High Court.

On 23.02.2022 all most all the encroachers have attended the meeting conveyed by the 4th respondent and on that day the details of the survey No.111 & 364 were explained to them as of Revenue records.

It is also submitted that in order to prolonging the eviction process, the encroachers are taking the tactics of filling writ after writ one by one on the file of Hon'ble Court, Chennai and it is nothing but an abuse of Court process. The petitioner has approached this Hon'ble Court with unclean hand and is not entitled to any of the relief claimed by him. The writ petition is liable to be dismissed since the petitioner have the interruption of delaying of implementations of this Hon'ble Court orders as stated in the earlier para of this counter. The orders passed by the 4th respondent in his proceedings of notice dated 23.05.2022 is within the purview of Tamil Nadu Highways Act, 2001, Rule 28(ii) and requested to not to grant any injunction in favour of the petitioner.

4. The fact remains that several notices were issued to the encroachers and Writ Petition after Writ Petition came to be instituted to increase the longevity of the proceedings with an idea to escape from the clutches of eviction proceedings. Such conduct of the encroachers, at no circumstances be appreciated by this Court. Further, enough opportunity



W.P.No.14002 of 2022

had been given to the petitioner and even a personal meeting was convened by the Assistant Divisional Engineer of Highways Department, Vazhappadi, Salem District on 23.02.2022, wherein almost all the encroachers had attended.

5. In view of the facts and circumstances, the petitioner is not entitled for any relief. The official respondents are directed to remove the encroachments from the Highways property as expeditiously as possible.

6. With these observations, the Writ Petition stands **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

(S.M.S,J.) (C.K,J.,)
18.02.2026

Index: Yes / No
Internet: Yes / No
dsa



W.P.No.14002 of 2022

To:

- 1.The Secretary,
State of Tamil Nadu,
Highways Department,
Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
Salem District,
Salem.
- 3.The Divisional Engineer,
Highways Department,
Salem.
- 4.The Assistant Divisional Engineer,
Highways Department,
Vazhappadi, Salem District.



WEB COPY



W.P.No.14002 of 2022

S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

dsa

W.P.No.14002 of 2022

18.02.2026