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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 13278 of 2025
and
WMP No. 14860 of 2025

S.Muruganandham
S/o R. Sudarapandian, No 19/20, Thiruvi Ka Street Kannadapalayam Puzhal Tiruvallur 600 066

..Petitioner(s)

Vs

1. The Highways And Administrative Officer
   Authorised National Highways Authority Of India, Project Implementation Unit Chennai I, 5th Floor, CMRL Building, Poonamallee High Road, Koyambedu,
   Chennai 600 107

2. The Project Director
   Project Implementation Unit Chennai I,
   5th Floor, CMRL Building,
   Poonamallee High Road, Koyambedu,
   Chenani 600 107

3. The Tahsildar
   Madhavaram Tahsildar Office, Gandhi Main Road, Puzhal, Chennai 600 066

4. The Assistant Commissioner Of Police,
   Puzhal Range, Puzhal, Chennai 600 066

5. The Inspector Of Police Puzhal,
   Nh 16, New Central Jail, Puzhal,
   Chennai 66

..Respondent(s)

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Call for the records relating to the proceedings issued by the 1st respondent vide NHI / 11021 / 2024 PIU, chennai 1 / 474, dated 02.04.2025 and quash the same is illegal, non-est and arbitrary in law and consequently, forbear the respondents from any manner interfering with petitioners peaceful possession and enjoyment of property comprised in S.No 448, situated in Puzhal Village, Ambattur Taluk, Tiruvallur Distrct, measuring to an extent of 2194 sq.ft andpass

WP No. 13278 of 2025

For Petitioner(s): Mr.S.Mohamed Uduman

For Respondent(s): Mrs.S.R.Sumathy
Standing Counsel for R1 & R2
Mr.T.Arun Kumar,Addl.G.P. for R3 & R4
Mr.Babu Muthu Meeran
Addl.P.P. for R5

Order

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

The proceedings of the National Highways Authority of India dated 02.04.2024 asking the petitioner to vacate the encroached portion of the National Highways land is under challenge in the present writ proceedings.

2. Learned counsel for the petitioner would vociferously contend that the petitioner is the owner of the subject property. The National Highways Authority has no jurisdiction to pass an order asking the petitioner to vacate the premises since the land has been classified as “Grama Natham”. Even the State Government has no authority to claim grama natham land. Therefore, the National Highways Authority cannot claim ownership in respect of grama natham lands. Thus, the order impugned has been passed without jurisdiction.

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3. The learned Standing Counsel appearing for the National Highways Authority of India would oppose by stating that the declaration was filed under Section 3A of the National Highways Act,1956. Once a declaration is made, the land absolutely vests with the National Highways Authority of India. The said proceeding remains unchallenged. Thus, the authorities has rightfully issued eviction notice to the petitioner asking him to vacate the encroached portion of the land, failing which, further enforcement action will be initiated to evict the petitioner from the Highways property.

4. The learned Additional Government Pleader would also support the case of the National Highways Authority by stating that the revenue authorities of the State Government conducted inspection and identified that the land belongs to Highways Authority. The Tahsildar, Madhavaram, addressed a letter to the Project Director & DGM(T), on 05.03.2025 stating that demarcation work was carried out by the Sub Inspector of Survey of Puzhal village in the presence of the representatives of National Highway Authority of India on 04.03.2025 and the encroachments area of NHAI land in Gramanatham Survey No.448(New No.842) of Puzhal village, Madhavaram Taluk, Chennai District.

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5. In respect of the lands classified as 'grama natham', the Government is empowered to regulate the same in terms of RSO 21. Grama natham lands are to be utilised for public purposes or to be allotted to landless poor persons for construction of dwelling houses. In this regard, an eligible person has to submit an application seeking assignment in terms of the Revenue Standing Orders. Encroachments, if any made, in grama natham lands, the competent authorities are empowered to evict the encroachers by invoking the provisions of the Tamil Nadu Land Encroachments Act, 1905, in view of RSO 26. It is not as if any person can occupy the grama natham lands and claim ownership which will result in lawlessness.

6. In the present case, it is brought to the notice of this Court that the petitioner is running a commercial shop in grama natham land which is impermissible in view of the condition stipulated in Revenue Standing Order. More so, the particular portion of the land was already handed over to National Highways Authority of India by the State Government for Highways widening project and a declaration was made under the National Highways Act.

7. That being the factum, the petitioner has not established even a semblance of legal right and if at all, he claims ownership or title it is to be established in the manner known to law. In the present case, the petitioner himself admitted that the land was not assigned in his favour by the competent

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authority of the Government. That apart, the said portion of the land has been handed over to the National Highways for highways widening project. Under these circumstances, the authorities competent are empowered to remove the encroachers and utilise the land to implement widening project in public interest. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (K.S.,J.)
28-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI

To

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