



WEB COPY

WP(MD) No. 2030 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06-08-2026

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THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

WP(MD) No. 2030 of 2026

and

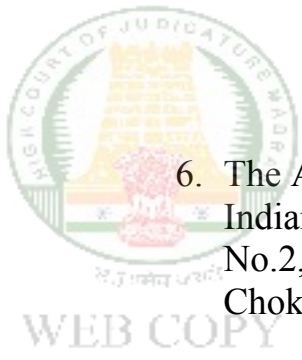
W.M.P.(MD)Nos.1596 & 1597 of 2026

C.Kumaravel

..Petitioner(s)

Vs

1. The District Collector
Theni District.
2. The District Revenue Officer,
Theni District. Theni.
3. The Assistant Director,
Town and Country Planning Authority,
Theni, Theni District.
4. The Project Director,
National Highways Authority of India,
Having its office at Plot No.1,
Aishwaryam Heights,
Indira Nagar, Sennamanaickenpatti Post
Thadikombu Road,
Dindigul.
5. The Divisional Retail Sales Head,
Madurai Division Office,
Indian Oil Corporation Limited,
No.2, Race Course Road,
Chokkikulam,
Madurai-625 002.



6. The Area Manager,
Indian Oil Corporation Limited,
No.2, Race Course Road,
Chokkikulam, Madurai-625 002.
7. The Executive Officer,
Veerapandi Town Panchayat,
Veerapandi, Theni District.
8. The District Officer,
Fire Service and Rescue Department,
Theni District.
9. The Inspector of Police,
Veerapandi Police Station,
Theni District.
10. Vasanth (Proprietor)

..Respondent(s)

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the 1 to 7 respondents to forthwith remove the illegal concrete retaining wall/compound wall/boundary wall constructed by the 10th respondent along the National Highway and across the only public access road in Survey No.876/4A, Veerapandi Revenue Village, Theni District and to restore the said public pathway to its original width and condition, so as to ensure free, safe and unhindered access to the National Highway for the general public.

For Petitioner(s):

Mr.S.Srikanth

For Respondent(s):

Mr.M.P.Senthil (R1 to R3 & R8)
Government Pleader
Mr.P.Karthick (R4)
Mr.K.Muraleedharan (R5 & R6)



Mr.P.Vetrivel (R9)
Government Advocate (Crl.side)

Mr.S.Ramsundarvijayaraj (R10)

Mr.P.B.Ahamed Yashmin Parvin (R7)

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

This writ petition has been filed in the nature of a Mandamus seeking a direction against the seventh respondent to remove the concrete retaining wall / compound wall /boundary wall said to have been constructed by the 10th respondent along the National Highway in S.No.876/4A, Veerapandi Revenue Village, Theni District

2.The writ petitioner seeks restoration of public pathway to its original width and condition. In the affidavit filed in support of the writ petition, it had been contended that the 10th respondent had been granted permission by the competent authorities and also by the Indian Oil Corporation to establish and to run a petrol bunk abutting the National Highway at Veerapandi Revenue Village in Theni District. It had been stated that the adjacent land in S.No.876 / 4A had been gifted in favour of the Governor of Tamil Nadu and therefore, vests with the Government. However, the petrol bunk is not put up in the said land. It is put up in the patta land of the 10th respondent.



3.As one of the conditions to establish the petrol bunk is to have access for the motorists to enter into the petrol bunk, the 10th respondent sought permission for access from and to the National Highway from the fourth respondent. Accordingly, the fourth respondent had also granted permission, but among other conditions, there was a condition to build, what is called a culvert to let out water not on the road but on a drainage, which will lead to the endpoint of the drainage system. This is to avoid water spillage onto the road and if water spillage is there on the road, it would be a hindrance to the vehicles and could also cause accidents. It is for that reason, among other reasons, though access is granted, a condition to build a small culvert with a raised wall to prevent water flow into the national highways had been imposed. The 10th respondent had put up such a wall. This is the source for grievance of the petitioner herein.

4.According to the petitioner, by putting up such a wall, even the passage which was originally available for the residents to get access to the road was also blocked. But the road has now become a National Highway. It is now the property of the National Highways. If the petitioner and others seek access to the National Highways, then they will have to apply seeking access to the National Highway. If there is free flow of men and cattle into the National Highways, again that will be a source of danger and a cause for accidents which naturally have to be prevented.

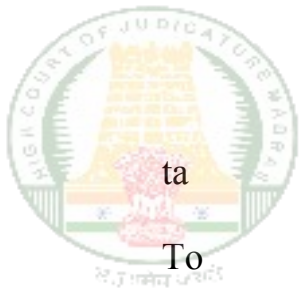


5.The writ petitioner is a promoter of the land and therefore, in the counter of the 4th respondent, it had been very clearly stated that the writ petitioner can always apply for permission through the online portal of the National Highways and after examining credentials, grant of such permission would always be examined.

6.The land, where the petrol bunk had been established is the patta land of the 10th respondent. After examining whether all the stipulations had been complied with, necessary permissions have been granted by all the requisite authorities. The petrol bunk had also been constructed, but the retail sales have not commenced. Taking into consideration all facts, we dispose of the writ petition by stating that the petitioner, if he satisfies all conditions, could apply for access to the National Highways, which application would be considered in its own merits and on proper assessment by the National Highways Department. The 10th respondent is permitted to commence their business. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

(C.V.K.,J.) (R.S.V.,J.)
06-08-2026

Index: Yes
Speaking
Neutral Citation: Yes



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