



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.07.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

C.M.P(MD)No.8233 of 2026
in
W.A.(MD)No.768 of 2026

S.Louis

... Petitioner

Vs.

- 1.The District Collector,
Nagercoil,
Kanyakumari District.
- 2.The Director,
National Highways Authority of India (Nhai),
Project Implementation Unit(Piu),
No.395/3-1, M.S.Road,
Magestic Colony,
Parvathipuram,
Nagercoil,
- 3.The Special District Revenue Officer,
(Land Acquisition - National Highways),
Kokkirikulam,
Tirunelveli District.
- 4.The Revenue Divisional Officer,
Vilavancode Division,
Kanniyakumari District.



5. The Special Tahsildar
(Land Acquisition - National Highways),
Matharsangam Road, Sarkuna Street,
Nagercoil, Kanniyakumari District.

6. The Superintendent of Police,
Nagercoil, Kanyakumari District.

7. The Inspector of Police,
Pudukadai Police Station,
Kanyakumari District.

... Respondents

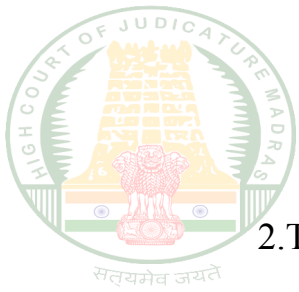
PRAYER:- Civil Miscellaneous Petition filed under Section 148 of Civil Procedure Code, to extend the time granted under the judgment in W.A. (MD)No.768 of 2026 by a further period of six months or for such further time.

For Petitioner : Mr.S.Surya
For Respondents : Mr.Su.Srinivasan (R2)
Mr.S.I.Muthiah (RR1, 3, 4 & 5)
Counsel for the State
Mr.S.Arun Arokiyasamy
Government Advocate (Crl.side)

ORDER

(Order of the Court was made by **C.V. KARTHIKEYAN, J.**)

This Civil Miscellaneous Petition is filed seeking extension of time granted in W.A.(MD)No.768 of 2026 in its order dated 13.05.2026 for the petitioner to vacate the premises under his occupation, which had already been acquired by the National Highways Authority of India, from 01.07.2026 for a further period of six months.

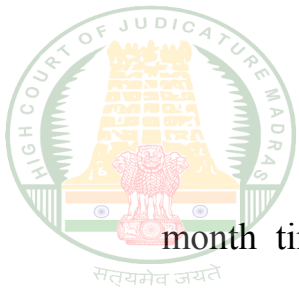


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2.The petition lacks bona fide. Initially, the acquisition was in the year 2016 not only for the petitioner, but also for 21 others. The writ petition has been filed questioning acquisition and the same came to be dismissed. The order was confirmed by the Hon'ble Supreme Court, when Special Leave Petitions were filed. Thereafter, the petitioner had no locus or right to continue to be in occupation. The petitioner had no right to seek permission to be in possession. The only aspect which the petitioner could seek is for compensation for the area of land acquired. It is not in dispute that such compensation has been determined and there are separate proceedings, but the burden was on the petitioner to vacate the premises. Till now from the year 2016, the petitioner has not vacated the premises. He had occasion to file W.P.(MD)No.7236 of 2026, seeking indulgence of the Court.

3.Learned Single Judge of this Court by order dated 02.04.2026 had granted time till 15.05.2026, but questioning that particular direction, the petitioner moved a writ appeal, which came up for hearing on 13.05.2026 during the vacation Court.

4.The Division Bench taking note of the specific submission made by the learned Counsel for the petitioner herein that the petitioner requires only one



month time, granted an additional two weeks till 01.07.2026 to vacate the premises. This date has been determined on the undertaking given by the learned Counsel for the petitioner. Any undertaking given by the learned Counsel binds the litigant.

5. In AIR 1982 SC 1249 : (1982) 2 SCC 463, ***State of Maharashtra vs. Ramdas Shrinivas Nayak and others***, the Hon'ble Supreme Court had held as follows:

"4. When we drew the attention of the learned Attorney General to the concession made before the High Court, Shri A.K. Sen, who appeared for the State of Maharashtra before the High Court and led the arguments for the respondents there and who appeared for Shri Antulay before us intervened and protested that he never made any such concession and invited us to peruse the written submissions made by him in the High Court. We are afraid that we cannot launch into an inquiry as to what transpired in the High Court. It is simply not done. Public Policy bars us. Judicial decorum restrains us. Matters of judicial record are unquestionable. They are not open to doubt. Judges cannot be dragged into the arena. "Judgments cannot be treated as mere counters in the game of litigation". Per Lord Atkinson in Somasundaran v. Subramanian A.I.R. 1926 P.C. 136 We are bound to accept the statement of the Judges recorded in their judgment, as to what transpired in court. We cannot allow the statement of the judges to be contradicted by statements at the Bar or by affidavit and other evidence. If the judges say in their judgment that something was done, said or admitted before them, that has to be the last word on the subject. The principle is well settled that statements of fact as to what

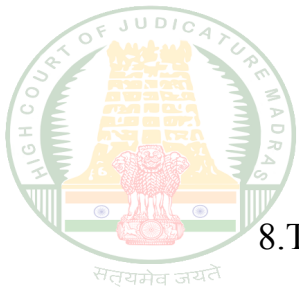


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transpired at the hearing, recorded in the judgment of the court, are conclusive of the facts so stated and no one can contradict such statements by affidavit or other evidence. If a party thinks that the happenings in court have been wrongly recorded in a judgment, it is' incumbent, upon the party, while the matter is still fresh in the minds of the judges, to call attention of the very judges who have made the record to the fact that the statement made with regard to his conduct was a statement that had been made in error. Per Lord Buckmaster in Madhusudan v. Chanderwati A.I.R. 1917 P.C. 30 That is the only way to have the record corrected. If no such step is taken, the matter must necessarily end there. Of course a party may resile and an Appellate Court may permit him in rare and appropriate cases to resile from a concession on the ground that the concession was made on a wrong appreciation of the law and had led to gross injustice; but, he may not call in question the very fact of making the concession as recorded in the judgment."

6.It is evident from the recording of the Court that the learned Counsel has undertaken that the petitioner would vacate the premises within one month from 15.05.2026, which is binding on the petitioner. The petitioner cannot put forward any further excuses or reasons for not vacating.

7.The filing of this petition was mentioned before this court on 30.06.2026. This Court has directed that the petition should first be numbered and thereafter, mentioning should be made for listing of the matter. Thereafter, yesterday/01.07.2026, permission was granted to list the matter.



8.Today, the matter has been listed. The learned Standing Counsel for the

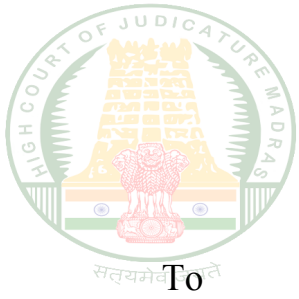
National Highways Authority of India/second and third respondents respondents pointed out that substantial indulgence has been granted to the petitioner continuously and the petitioner had violated his own undertaking to vacate the premises. It is contended that the petitioner had removed the doors and windows, for which items also he had received compensation. It is further contented that since the petitioner had not vacated the premises before 01.07.2026, today/02.07.2026 the second and third respondents have taken steps to take possession of the lands.

9.We find no reason to interfere with such steps taken to take possession of the lands. The petitioner should have vacated the premises voluntarily. He should have respected the undertaking given before the Court. The petitioner cannot claim ignorance. The petitioner cannot claim innocence. We find no reason to grant any further indulgence to the petitioner.

10.This petition stands dismissed. No costs.

[C.V.K, J.] [R.S.V, J.]
02.07.2026

Index : Yes
Neutral Citation : Yes



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- To
1. The Additional Registrar General,
Madurai Bench of Madras High Court,
Madurai.
 2. The Presiding Officer,
Labour Court,
Tirunelveli.



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**C.V. KARTHIKEYAN, J.
AND
R.SAKTHIVEL, J.**

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