



W.P.(MD)No.19601 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.07.2026**

CORAM:

**THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE R. SAKTHIVEL**

W.P.(MD)No.19601 of 2026

and

W.M.P.(MD)No.14511 of 2026

J.Sutha

... Petitioner

Vs.

1.The Divisional Engineer,
State Highways Department,
Construction and Maintenance,
Nagercoil,
Kanyakumari District.

2.The Assistant Divisional Engineer,
State Highways Department,
Construction and Maintenance,
Thuckalay,
Kanyakumari District.

3.The Tahsildar,
Tiruvattar Taluk,
Kanyakumari District.

(Cause title *suo motu* amended as per order of this Court dated
10.07.2026 in WP.(MD)No.19601 of 2026)

... Respondents



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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned notice passed by the second respondent by proceedings No.Ku No.145/2025/A2 dated 07.04.2025 to quash the same as the same was issued against the death person without any survey report and sketch.

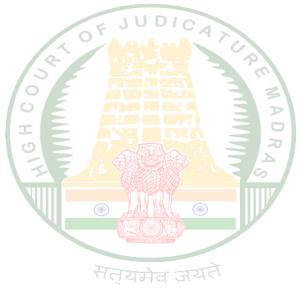
For Petitioner : Mr.F.Deepak
For Respondents : Mr.M.P.Senthil,
Counsel for State of TN

ORDER

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

This writ petition has been filed in the nature of certiorari seeking to call for the records relating to the impugned notice passed by the second respondent by proceedings No.Ku No.145/2025/A2 dated 07.04.2025 to quash the same.

2.The primary ground raised by the petitioner to quash the impugned notice is that it had been issued in the name of her deceased mother. It is, therefore, contended that the notice suffers from patent illegality and is liable to be withdrawn and that fresh notice ought to be issued to the petitioner and the other legal heirs.



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3.It is to be noted that the State Highway connecting Tamil Nadu and Kerala was formed in the year 2017. The petitioner's house is situated in Survey Nos. 613/2 and 613/4, connecting Kaliyakkavilai and Kanyakumari. It is contended that the house is situated about 13 feet away from the highway and does not in any manner obstruct the formation of the National Highway. It is further contended that the petitioner's mother died on 27.08.2024, whereas the impugned notice was issued in her name.

4.Mr.M.P.Senthil, learned Counsel for State of TN appearing for the respondents contended that the impugned notice had been received by the petitioner's sister and had also come to the knowledge of the petitioner. It was further submitted that, prior to the issuance of the impugned notice, an earlier notice had been issued on 05.02.2024, when the petitioner's mother was very much alive. Neither the petitioner nor any of his family members had submitted any objection or representation pursuant to the said notice. The impugned notice is only consequential to the earlier notice dated 05.02.2024. Merely because the petitioner's mother had died subsequently, the consequential notice cannot be said to



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be invalid, since the respondents had proceeded on the basis of the names found in the revenue records.

5.In view of the above submission, we are not inclined to interfere with the impugned notice. However, liberty is granted to the petitioner to submit a fresh representation to the second respondent, namely, the Assistant Divisional Engineer, State Highways Department. If such representation is submitted, the second respondent shall consider and dispose of the same on its own merits and in accordance with law, after following due procedure, within a period of seven working days from the date of its receipt, by following the due procedures.

6.This Court also takes judicial notice of the fact that the matter pertains to the State Highways Department. The cause title shall, therefore, be *suo motu* corrected by substituting the "National Highways Department" with the "State Highways Department" in respect of the first and second respondents before issuance of the order copy. The Registry shall carry out the necessary amendment in the cause title.



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7.The writ petition stands dismissed with the above liberty.

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There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[C.V.K., J.] & [R.S.V., J.]
10.07.2026

Index :Yes/No

Internet :Yes

GNS

To

- 1.The Tashildar,
Kayathar Taluk,
Thoothukudi District.
- 2.The Executive Officer,
Kayathar Town Panchayat,
Kayathar,
Thoothukudi District.



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C.V.KARTHIKEYAN, J
and
R. SAKTHIVEL, J

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