



W.P(MD)Nos.24070 and 24243 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2026

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE N.DILIP KUMAR**

**W.P(MD)No.24070 and 24243 of 2026
and
WMP (MD) Nos.17900 and 18052 of 2026**

Naveen Mohideen Gaffoorshah

Amsavalli

... Petitioner
in WP(MD) No.24070/2026
... Petitioner
in WP(MD) No.24071/2026

VS.

1. The District Collector,
Madurai, Madurai District.

2. The Tahsildar,
Madurai North Taluk, Madurai District.

3. The Divisional Engineer,
Construction and Maintenance,
Madurai West Zone,
State Highways Road,
Madurai-1.

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4. The Assistant Divisional Engineer,
Construction and Maintenance,
Madurai West Zone, Sub-divisional Office,
State Highways Road,
Madurai-1.

5. The Assistant Engineer,
Construction and Maintenance,
Madurai Division-1,
Madurai.

... Respondents
(in both writ petitions)

COMMON PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records pertaining to the impugned order passed by the 4th respondent in Thakkithu Nos. 9/2026/(SH-72A)/EvaA and 10/2026/(SH-72A)/EvaA dated 05.08.2026 and quash the same as illegal.

For Petitioners	: Mr.D.Srinivasaraghavan for Mr.D.Anbarasu (in both writ petitions)
For Respondents	: Mr.G.Mohan Kumar (R1 to R5) Additional Government Pleader (in WP(MD) No.24070/2026)
For Respondents	: Ms.J.Saranya (R1 to R5) Government Advocate (in WP(MD) No.24071/2026)



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COMMON ORDER

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

These writ petitions have been filed challenging the proceedings dated 05.08.2026 issued by the fourth respondent under Section 28(2)(ii) of the Tamil Nadu Highways Act, 2001.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The learned counsel appearing for the petitioners would submit that the petitioners are in occupation of the lands comprised in Survey Nos. 53/1A11 and 53/1A,1B, which, according to the petitioners, are not classified as Highways land. However, the Highways Authority, without jurisdiction, has invoked the power under Section 28 of the Tamil Nadu Highways Act, 2001, and without providing an opportunity of hearing or issuing a show-cause notice, has



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straightaway issued an eviction notice to the petitioners. Challenging the same, the present writ petitions have been filed.

4.The learned counsel appearing for the petitioners would further submit that, earlier, one Riyas Aslam had filed W.P.(MD) No.30289 of 2025, seeking a writ of mandamus directing the respondents therein to evict the unauthorised occupants from the Highways property. In the said writ petition, this Court had directed that, if any person was found to be in occupation of the Highways property, such person could be evicted forthwith, however, two months' time was granted to such occupants to vacate the premises.

5.The learned Government Advocate appearing for the respondents has no objection to the aforesaid course being adopted.

6. In view of the above, there shall be a direction to the Revenue Officials as well as the State Highways Officials to conduct a survey of the entire stretch of the subject land of the Tamil Nadu Highways property and identify the persons who are in occupation of the State Highways property. If, upon such



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survey, any person is found to be in occupation of the State Highways property, the authorities shall take steps to evict such person in accordance with law. However, such occupants shall be permitted to vacate the premises on their own by granting them three months' time for the said purpose.

7. With the above directions, these writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

[M.D.I.,J.] & [N.D.K.,J.]
20.08.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN



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