



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.9286 of 2018, 11658 & 14924 of 2022

and

**WMP(MD)Nos.8598, 8599 of 2018,
8244, 10682, 10684 & 10685 of 2022**

K.R.Shanthi rep.by her
power of attorney KSD.Kannamma

... Petitioner
in all cases

v.

1.The Project Director,
Project Implementation Unit,
National Highways Authority of India,
Plot No.3, Surya Towers, Second Floor,
First East Street, K.K.Nagar,
Madurai – 625 020.

2.The Assistant Executive Engineer,
Project Implementation Unit,
National Highways Authority of India,
Plot No.3, Surya Towers,
Second Floor, First East Street,
K.K.Nagar Madurai.

... Respondents 1 & 2
in all cases

3.The District Collector,
Madurai District.

...3rd respondent
in WP(MD)No.11658 of 2022

(3rd respondent suo motu impleaded
vide order dated 25.07.2022
in WP(MD)No.11658 of 2022)



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Prayer in WP(MD)No.9286 of 2018 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to forbear the respondents from constructing any public toilet complex on the eastern side on the subject property of the petitioner in Survey No.120/6A, 119/2B and 119/3B, Kappalur Village, Thirumangalam Taluk, Madurai District obstructing the right of access of the petitioner from the National Highways NH7.

Prayer in WP(MD)No.11658 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from putting up any construction of an office/building for the toll plaza on the eastern side of the complex situated in the property comprised in S.Nos.120/6A, 119/2B, 119/3B, Kappalur Village, Tirumangalam Taluk, Madurai District obstructing the right of access of the petitioner from the National Highways NH7 and direct them to relocate the same on the opposite side of the subject property on the basis of the representations dated 11/03/2022, 16/03/2022, 12/05/2022.

Prayer in WP(MD)No.14924 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from putting up any construction of an office/building for the toll plaza on the eastern side of the complex situated in the property comprised in S.Nos.120/6A, 119/2B, 119/3B, Kappalur Village, Tirumangalam Taluk, Madurai District obstructing the right of access of the petitioner from the National Highways NH7 and direct them to relocate the same on the opposite side of the subject property on the basis of the representations dated 11/03/2022, 16/03/2022, 12/05/2022.



in call cases : -

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For Petitioner : Mr.R.G.Sankar Ganesh

For Respondents : Mr.Arul Vadivel Sekar, standing counsel
for R1 and R2

Mr.Balasubramanian,
Special Government Pleader for R3
in WP(MD)No.11658 of 2022

ORDER

Heard the learned counsel on either side.

2.The petitioner owns substantial extent of vacant land immediately abutting the NH7, Kappalur Village, Thirumangalam Taluk. A portion of her land was acquired for widening the existing National Highways. This led to the filing of series of writ petitions. By way of implementing Swachh Bharat scheme, National Highways Authority of India (NHAI) proposed to put up a toilet complex near the petitioner's land. That led to filing of WP(MD)No.9286 of 2018. The learned standing counsel for NHAI states that the proposal impugned in WP(MD)No.9286 of 2018 has been given up and an administrative block is being put up. It is asserted categorically that the administrative block is being constructed only well within the limits of NHAI land. The learned standing counsel would submit that as per the Indian Road Congress norms, near every toll plaza, an administrative block must be constructed for rendering services to the road users.



3. I am more than satisfied that it is not open to the petitioner to prevent the NHAI from putting up such an administrative block. I do not want to interfere. But, at the same, I cannot brush aside the allegation of the petitioner that a parapet wall, having 150 feet long and 7 feet broad, is being put up by NHAI on her land. On the other hand, the learned standing counsel stated that the petitioner had committed an encroachment to the extent of 56 sqf. These issues can be resolved only in a proper survey. I therefore direct the District Collector, Madurai to in turn direct the District Surveyor, Madurai to measure the property in question and also demarcate the acquired land from the patta land belonging to the petitioner. Such exercise of survey and demarcation shall be done within a period of eight weeks from the date of receipt of copy of this order. The results of the survey and demarcation would automatically indicate as to who had committed encroachment. The District Surveyor shall give notice to both the parties and ensure that the exercise of demarcation is carried out in a manner that does not give room for any kind of complaint. WP(MD)Nos.9286 of 2018 and 11658 of 2022 are disposed of.

4. In WP(MD)No.14924 of 2022, the petitioner challenges denial of access permission to the commercial block put up by the petitioner. It is seen that the construction in question has been put up without getting prior approval. Therefore, I am not inclined to grant relief to the petitioner at this



stage. Once the petitioner's construction is properly regularised, it is of course open to the petitioner to move this Court again on the same cause of action.

5. With this direction and liberty, WP(MD)No.14924 of 2022 is disposed.

Connected miscellaneous petitions are closed. No costs.

25.07.2022

Index : Yes / No,
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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