



W.P.(MD)No.30702 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.30702 of 2023
and W.M.P.(MD) No.26389 of 2023

S.Vikraman

... Petitioner

Vs.

**1.The Project Director,
NHAI,
Madurai.**

2.Jeya

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the 1st respondent herein to remove the encroachment made by the 2nd respondent in Survey No.192/8A of Thanichiyam Village, Vadipatti Taluk, Madurai that classified as National Highways and restore the same as per revenue records within a time as may be fixed by this Court.

For Petitioner : Mr.Aayiram K.Selvakumar

**For Respondents : Mr.P.Karthick
Standing Counsel for R1**



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ORDER

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(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The relief sought for in the present Writ Petition is to direct the 1st respondent herein to remove the encroachment made by the 2nd respondent in Survey No.192/8A of Thanichiyam Village, Vadipatti Taluk, Madurai, that classified as National Highways.

2. By consent of both sides, the Writ Petition itself is taken up for final disposal at the time of admission itself. Considering the nature of the order proposed to be passed in this Writ Petition, protecting the interests of the second respondent also, notice to the second respondent is dispensed with.

3. The petitioner states that the properties which are under the control of National Highways Authority of India is under encroachment at the instance of the second respondent. Since no action has been taken, the petitioner is constrained to move the present Writ Petition.

4. It is needless to state that the first respondent is empowered to conduct survey, issue show cause notice to encroachers and on receipt of



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objections, if any, pass final orders and thereafter, remove the encroachments made in the properties under the Control of National Highways Authority of India.

5. Thus, the first respondent is directed to complete the process of survey, identifying the encroachments and thereafter, issue show cause notice and by following the procedures remove the encroachments in the properties under the control of National Highways Authority of India. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above observations and directions, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

(S.M.S., J.) & (V.L.N., J.)
21.12.2023

NCC : Yes / No

Index : Yes / No

SJ



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