



W.P.No.16803 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.16803 of 2024

Manikandan

... Petitioner

Vs.

1.National Highway Authority of India,
Sri Tower, 3rd Floor, Industrial Estate,
Guindy, Chennai – 32.

2.Division Engineer,
R P Niagara, Pudupalayam,
Cuddalore – 607 001.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus, to direct the respondents to
follow the due process of law and also not to evict the petitioner from
the land in possession in Survey No.45 which is located in
Seplanatham North, within stipulated time as may be fixed by this
Court.

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For Petitioner : Mr.R.Gokulnath
For Respondents : Mr.Su.Srinivasan,
Standing counsel for R1
Mr.C.Selvaraj,
Addl. Govt. Pleader for R2

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned 'Writ Petition' ['WP' for the sake of brevity] pertains to land comprised in 'Survey No.45 in North Seplanatham, Kurinjipadi Taluk, Cuddalore District' (hereinafter 'said land' for the sake of convenience and clarity).

2. Mr.R.Gokulnath, learned counsel on record for writ petitioner submitted that the writ petitioner has put up a shop in said land and captioned WP has been filed under imminent threat of dispossession.

3. A careful perusal of the case file and submissions made at the bar brings to light that said land is a Government land and that it is highways land covered by 'The Tamil Nadu Highways Act, 2001' (hereinafter 'said Act' for the sake of convenience and clarity).



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4. Issue notice.

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5. Mr.Su.Srinivasan, learned standing counsel accepts notice for R1 and Mr.C.Selvaraj, learned Additional Government Pleader accepts notice for R2.

6. Learned standing counsel for R1 submits that said land is not a national highway and therefore he really does not have a say, R1 need not have been arrayed as a respondent. We leave it at that.

7. As regards R2, learned State counsel submitted on the basis of written instructions that the survey of said land and other lands in the vicinity are underway and thereafter proceedings for removal of encroachments will be kick-started in accordance with said Act. This submission is recorded.

8. We find that there is safety valve under said Act qua removal of encroachment and that safety valve is vide Section 28(2)(ii) and the proviso thereat which provides for SCN (show cause notice) to the encroachers before eviction.



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9. The narrative thus far puts to rest anxiety of writ petitioner that he may be dispossessed immediately without any notice.

10. The second respondent will do well to conclude the survey said to be underway now, as expeditiously as the business of R2 would permit, commence removal of encroachment proceedings and conclude the same also as expeditiously as the business of R2 would permit.

11. As the anxiety of the writ petitioner stands addressed, captioned WP is disposed of as closed recording the stated position of R2 as articulated by learned State counsel. There shall be no order as to costs.

(M.S.,J.) (K.G.T.,J.)
27.06.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

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