



W.P.(MD) No.2540 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Ninth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Ms.Justice P.T.ASHA

W.P.(MD) Nos.2474 of 2022, 6465 of 2023
and W.P.(MD) No.2540 of 2024

WP(MD)No.2474/2022:

1 SARAMARIAPPAN.K

2 S.NOORJAHAN

3 S.GANESAN

4 S.K.MOORTHY

5 P.SOMASUNDARAM

6 N.SEETHALAKSHMI

7 R.RAJALAKSHMI

... PETITIONERS

Vs

1 THE STATE OF TAMILNADU

REP BY .ITS SECRETARY TO GOVERNMENT

HIGHWAYS AND MINOR PORTS (HQI) DEPARTMENT ,
FORT ST.GEORGE , CHENNAI - 600009.

2 THE DISTRICT COLLECTOR

THUTHUKUDI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



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3 THE DISTRICT REVENUE OFFICER
THUTHUKUDI DISTRICT

4 THE CHIEF ENGINEER
(NABARD AND RURAL ROADS) ,
HIGHWAYS DEPARTMENT , CHENNAI - 600025.

5 THE DIVISIONAL ENGINEER
(NABARD AND RURAL ROADS) ,
HIGHWAYS DEPARTMENT ,
TUIRUNELVELI.

... RESPONDENTS

Writ Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Certiorari to call for the records relating to the land acquisition proceedings issued by the respondent in G.O.(2D) No.19 Highways and Minor Ports (HQI) Department dated 26.02.2019 published in Tamilnadu Government Gazette Part-II-Section-2 dated 27.03.2019 and to declare that the same as illegal and unsustainable in so far as it is against the interest of the petitioners with regards to lands in i) Ward No.A, Block No.9, T.S.No.324, bearing Door No.631, Main Road, Kovilpatti belong to the first petitioner (ii) Ward No.A, Block No.9, T.S.No.325, bearing Door No.1, Ilayarasanthal Road, Kovilpatti belong to the second petitioner , (iii) Ward No.A, Block No.9, T.S.No.325, bearing Door No.1A, Ilayarasanthal Road, Kovilpatti belong to the third petitioner, (iv) Ward No.-A, Block No.9, T.S.No.320/2, bearing Door No.2, Ilayarasanthal Road, Kovilpatti belong to the fourth petitioner, (V) ward No.A, Block No.9, T.S.No.318/2 & 319/2, bearing Door No.3 & 4, Ilayarasanthal Road, Kovilpatti belong to the fifth petitioner, vi) Ward No.A Block No.9, T.S.No.313/2, bearing Door No.6 & 7, Ilayarasanthal Road, Kovilpatti belong to the sixth petitioner (vii) ward No.A, Block No.9, T.S.No.312/2 bearing Door No.630, Ilayarasanthal Road, Kovilpatti belong to the seventh petitioner.

WP(MD)No.6465/2023:

1. GURUSAMY
2. P.SITHAVARAJ
3. K.EASWARI

<https://www.mhc.tn.gov.in/judis>



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4. JOSEPH.A
5. JAYALALITHA.S
6. PAULRAJ.K

... PETITIONERS

- Vs. -

1. THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT,
HIGHWAYS AND MINOR POSTS (HQI) DEPARTMENT,
FORT ST. GEORGE, CHENNAI-600009.
 2. THE DISTRICT COLLECTOR
THUTHUKUDI DISTRICT.
 3. THE DISTRICT REVENUE OFFICER
THUTHUKUDI DISTRICT.
 4. THE CHIEF ENGINEER (NABARD AND RURAL ROADS),
HIGHWAYS DEPARTMENT, CHENNAI-600025.
 5. THE DIVISIONAL ENGINEER (NABARD AND RURAL ROADS),
HIGHWAYS DEPARTMENT, CHENNAI-600025.
- ... RESPONDENTS

Prayer in WP(MD). 6465/ 2023 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the land acquisition proceedings issued by the respondents in G.O.(2D) No.19 Highways and Minor posts (HQ1) Department dated 26.02.2019 published in Tamilnadu Government Gazette part-II-Section-2 dated 27.03.2019 and to quash the same as illegal and unsustainable in so far as it is against the interest of the petitioners.

WP(MD)NO.2540/2024:

1. GURUSAMY.M



W.P.(MD) No.2540 of 2024

2. P.SITHAVARAJ

3. K.ESWARI

4. A.JOSEPH

5. S.JAYALALITHA

6. K.PAULRAJ

... PETITIONERS

- Vs. -

1. THE STATE OF TAMILNADU

REP BY ITS SECRETARY TO GOVERNMENT,
HIGHWAYS AND MINOR PORTS (HQI) DEPARTMENT,
FORT ST.GEORGE CHENNAI 600 009

2. THE DISTRICT COLLECTOR THOOTHUKUDI DISTRICT

3. THE DISTRICT REVENUE OFFICER
THOOTHUKUDI DISTRICT

4. THE CHIEF ENGINEER (NABARAD AND RURAL ROADS),
HIGHWAYS DEPARTMENT,
CHENNAI 600 025

5. THE DIVISIONAL ENGINEER (NABARAD AND RURAL ROADS),
HIGHWAYS DEPARTMENT,
CHENNAI 600 025

... RESPONDENTS

Prayer in WP(MD). 2540/ 2024 :

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari calling for the records relating to Impugned notice issued and signed by the 5th respondent on 31.01.2024 relating to removal of construction for acquisition of lands for service road for Railway under Bridge in Ilayarasanenthal Road, Kovilpatti Town, Thoothukudi District and quash the same and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

ORDER : These petitions coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.AJMAL KHAN, Senior Counsel for M/S.GOVINDARAJ.R, Advocate for the petitioner in WP(MD)No.2474/2022 and MR.R.GOVINDARAJ, Advocate for the



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Petitioner in WP(MD)No.6465/2024 and of MR.V.R.SHANMUGANATHAN, Advocate for the petitioner in WP(MD)No.2540/2024 and MR.B.SARAVANAN, Additional Government Pleader for the Respondents 1 to 3 and MR.VEERAKATHIRAVAN, Additional Advocate General For the Respondents 4 & 5 in all cases, the court made the following order:-

This morning, when the Court had commenced, it is mentioned by the learned counsel for the petitioners in the above writ petitions that the respondents are proceeding to demolish their building without giving them time to vacate the premises on the basis of the orders passed yesterday in the forenoon.

2. The learned Additional Advocate General was therefore asked to appear before this Court and he had also appeared and on instructions would submit that the buildings of the petitioners have not been touched and it is only the encroachments in between which were sought to be removed.

3.Though the statement was denied by the learned counsel for the petitioners, the learned counsel would submit that the petitioners would vacate and hand over the vacant possession of their respective properties by 16.08.2024.

4. The learned Additional Advocate General has assured that no demolition including that of the encroachment will be taken. The above submissions have been



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recorded and a direction is issued that no demolition on this service road near the
petitioners' property would be done till 16.08.2024.

sd/-
09/08/2024

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09/08/2024
Sub-Assistant Registrar (PA.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GBG
TO

1 THE SECRETARY TO GOVERNMENT
STATE OF TAMILNADU
HIGHWAYS AND MINOR PORTS (HQI) DEPARTMENT ,
FORT ST.GEORGE , CHENNAI - 600009.

2 THE DISTRICT COLLECTOR
THUTHUKUDI DISTRICT.

3 THE DISTRICT REVENUE OFFICER, THUTHUKUDI DISTRICT

4 THE CHIEF ENGINEER
(NABARD AND RURAL ROADS) ,
HIGHWAYS DEPARTMENT , CHENNAI - 600025.

5 THE DIVISIONAL ENGINEER
(NABARD AND RURAL ROADS) ,
HIGHWAYS DEPARTMENT , TUIRUNELVELI.

6. THE DIVISIONAL ENGINEER (NABARD AND RURAL ROADS),
HIGHWAYS DEPARTMENT, CHENNAI-600025.

+1. C.C. to M/S.GOVINDARAJ R Advocate SR.No.42716 (F) DT.09.08.2024



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ORDER
IN
W.P.(MD) Nos.2474 of 2022, 6465 of 2023
and W.P.(MD) No.2540 of 2024
Date :09/08/2024

SA/09.08.2024/7P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.