



W.P(MD)No.3762 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :20.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.3762 of 2024

and

W.M.P(MD)No.3662 of 2024

K.Jaya

... Petitioner

Vs.

1.The Regional Officer(NHAI),
Regional Office(NHAI),
No.1, Lake Area, Melur Main Road,
Mattuthavani,
Madurai – 625 107.

2.The Project Director(NHAI),
National Highways Authority of India(NHAI),
K.K.Nagar, Madurai – 625 107.

3.The Authorised Officer,
DS Toll Road Limited,
NH.7 Rajathanikottai Post,
Kolinjipatti Village,
Kodai Road, Dindigul District.

4.S.Vikraman

5.The Tahsildar,
Vadipatti Taluk,
Madurai District.

... Respondents



W.P(MD)No.3762 of 2024

(5th respondent is suo motu impleaded as per the order of this Court, dated 20.02.2024 made in W.P(MD)No.3762 of 2024)

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned notice passed by the second respondent in Ref.NHAI-PIU/MDU/NH-7(TN-05)/2024 dated 07.02.2024 and quash the same as unconstitutional and arbitrary.

For Petitioner	:Mr.P.Ranjith Kumar
For R-1 & R-2	:Dr.R.Rajagopal, Senior Standing Counsel
For R-5	:Mr.N.Satheesh Kumar, Additional Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Dr.R.Rajagopal, learned Senior Standing Counsel takes notice for the respondents 1 and 2.

2. The petitioner has filed this writ petition challenging the impugned notice issued by the second respondent in Ref.NHAI-PIU/MDU/NH-7(TN-05)/2024, dated 07.02.2024.



W.P(MD)No.3762 of 2024

3. The case of the petitioner is that she along with his family members residing in Door No.1/267, Thanichiyam Village & Post, Vadipatti Taluk, Madurai District. According to the petitioner, the property in question is a patta land and the same belongs to the petitioner. However, the second respondent issued the impugned notice asking the petitioner to remove the unauthorised occupation. Aggrieved by the said notice, the petitioner has filed this writ petition with the aforesaid prayer.

4. The learned Standing Counsel appearing for the National Highways Authority of India, on instructions, would submit that the subject land belongs to the Highways Department and therefore, the petitioner has no right to claim that the said land is a private land and the same belongs to her.

5. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is agreeable for a survey of the entire subject property with the assistance of Taluk Surveyor and if it is found that the land belongs to the Highways Department, the petitioner may not have any right to continue in the aforesaid property and she undertakes to vacate and hand over the possession to the Authorities, without any



W.P(MD)No.3762 of 2024

further notice.

WEB COPY

6. In view of the above said undertaking given by the petitioner, we *suo motu* implead '***the Tahsildar, Vadipatti Taluk, Madurai District***' as fifth respondent in this writ petition.

7. At this juncture, Mr.N.Satheesh Kumar, learned Additional Government Pleader, takes notice for the newly impleaded fifth respondent.

8. It is seen that in respect of the land in Survey No.192/8B, already a civil suit is pending in O.S.No.93 of 2023 on the file of the District Munsif Court, Vadipatti. Now, the dispute is with regard to Survey No.192/8A.

9. In the light of the above, we direct the fifth respondent/Tahsildar, Vadipatti Taluk, Madurai District, to survey the subject property in Survey No.192/8A, in the presence of the petitioner as well as the National Highways Authorities, within a period of two weeks from the date of receipt of a copy of this order. During such



W.P(MD)No.3762 of 2024

survey, if it is found that the petitioner has encroached upon the land belongs to the National Highways Department, as undertaken by the petitioner before this Court, the said land is directed to be handed over to the concerned Department without further notice.

10. With the above direction, this writ petition is disposed of.
No Costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]

20.02.2024

Neutral Citation: Yes / No
Index : Yes / No

PM

To:

The Tahsildar,
Vadipatti Taluk,
Madurai District.



WEB COPY



W.P(MD)No.3762 of 2024

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

PM

W.P(MD)No.3762 of 2024

20.02.2024