



W.P.No.1389 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 01.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.1389 of 2023

Solaimalai

... Petitioner

vs.

1. The District Collector
O/o.District Collectorate
Ariyalur District, Ariyalur
2. The Competent Authority-cum-
Special District Revenue Officer
National Highways – 227
O/o.District Collectorate, Ariyalur
3. The Revenue Divisional Officer
Udayarpalayam, Ariyalur District
4. The Divisional Engineer
Office of the Divisional Engineer
National Highways – 227
First Floor, Panagal Building
Thanjavur
5. The Tahsidar
Udayarpalayam Taluk

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Jayankondam
Ariyalur District

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6. Manikandan

7. Elangovan @ Pandiyan

8. The Project Director
Project Implementation Unit
National Highways Authority of India
Villupuram
(R8 suo motu impleaded vide this order)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing Respondents 1 to 5 to remove the illegal constructions of the 6th and 7th respondents by encroaching the National Highways poramboke situated on the northern side of the property situated at Meensurutti Village, Kundavei Revenue Village, Udayarpalayam Taluk, Ariyalur District, comprised in S.F.No.401/1D admeasuring 463.185 sq.metre.

For petitioner : Mr. G.Pugazhenth

For Respondents : Mr. M.S.Arasakumar
Government Advocate for R1 to R5

Mr.V.Ashok Kumar
Senior Panel Counsel
for Mr.Su.Srinivasan
Standing counsel for NHAI for R8



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ORDER

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

Captioned 'Writ Petition' ['WP' for the sake of brevity] has been filed with a 'Removal of Encroachment' ['RoE'] prayer qua alleged encroachment in S.F.No.401/1D admeasuring 463.185 sq.metre or thereabouts in Kundaveli Revenue Village, Udayarpalayam Taluk, Ariyalur District' [hereinafter 'said land' for the sake of convenience]. In technical sense, captioned WP has been filed with a prayer to mandamus official respondents qua RoE prayer as regards said lands saying that private respondents (R6 & R7) are alleged encroachers.

2. Learned counsel for writ petitioner submits that said land now vests with 'National Highways Authority of India' ['NHAI' for the sake of brevity] and it is imperative to add Project Director, Project Implementation Unit, National Highways Authority of India, Villupuram as R8.

3. We *suo motu* implead Project Director, Project Implementation Unit, National Highways Authority of India, Villupuram as R8.



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4. Mr.Su.Srinivasan, learned Standing counsel accepts notice for R8 and Mr.V.Ashok Kumar, learned Senior Panel Counsel is before us on behalf of Mr.Su.Srinivasan. Mr.M.S.Arasakumar, learned Government Advocate for R1 to R5 is before this Court.

6. As the kernel of the matter is alleged encroachment in said land which is said to vest in NHAI, we would be directing a joint survey after putting on notice all concerned including private respondents (survey by R5), who would draw up a report and initiate action under 'The Control of National Highways (Land and Traffic) Act, 2002' [hereinafter 'said Act' for the sake of brevity, convenience and clarity], if any encroachment is found qua survey report to be drawn up by R5. In this view of the matter, this order will not impact the rights of private respondents (R6 and R7). On the contrary, we make it clear that all the rights and contentions of R6 and R7 stand preserved when put on notice for survey as well as for RoE under said Act, if encroachment is found and if they are visited with notice. Therefore, we dispense with notice to private respondents (R6 and R7) and take up the main WP with the consent of all the aforementioned counsel before us.



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7. The following order is made:

i) A joint survey shall be conducted by R5 within a period of six weeks from today i.e., on or before 12.08.2025 after putting on notice writ petitioner, R6 & R7 and any other person/s who may be interested/concerned;

ii) Survey report shall be drawn up by R5. In the survey report, if any encroachment is found to be made either by R6 & R7 or by any other person, appropriate action for RoE under said Act, by putting on notice the parties concerned, shall be commenced within six weeks therefrom i.e., on or before 23.09.2025;

iii) Since R6 & R7 are not before this Court, all their rights and contentions are preserved untrammelled by this order.

iv) In the survey, if no encroachment is found, that would be curtains on the matter and it will be open to the writ petitioner to challenge the survey report, if so advised and if so desired.



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Captioned WP disposed of in the aforesaid manner. There shall be no

order as to costs.

[M.S., J.]

[H.C., J.]

01.07.2025

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Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order
gpa

To

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M.SUNDAR, J.
and
HEMANT CHANDANGOUDAR, J.

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