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W.P.No.5091 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P.No.5091 of 2025

and

W.M.P.No.5658 of 2025

S.Muruganandham
S/o.R.Sundarapandian

...Petitioner

Vs

1. The Project Director
Project Implementation Unit Chennai-I
5th Floor, CMRL Building,
Poonamallee High Road,
Koyambedu, Chennai-600 107.
2. The Tahsildar
Madhavaram Tahsildar Office
Gandhi Main Road,
Puzhal, Chennai-600 066.
3. The Assistant Commissioner of Police
Puzhal Range,
Puzhal, Chennai-600 066.
4. The Inspector of Police
Puzhal, NH16, New Central Jail
Puzhal, Chennai-600 066.

...Respondents

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Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from taking any coercive actions on the property of the petitioner in S.No.448, situated in Puzhal Village, Ambattur Taluk, Tiruvallur District except under due process of law and after affording opportunity of hearing to the petitioner.

For Petitioner : Mr.AR.Balaji
For Respondents : Ms.S.R.Sumathy, for R1
Mr.M.S.Arasakumar
Government Advocate, for R2
Mr.M.Babu Muthu Meeran
Additional Public Prosecutor
for R3 and R4

ORDER

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

This order has to be read in conjunction with and in continuation of earlier proceedings / order made on 14.02.2025 which reads as follows:

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.02.2025
CORAM
THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI
W.P.No.5091 of 2025
and



W.P.No.5091 of 2025

W.M.P. No.5658 of 2025 in W.P.No.5091 of 2025

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S.Muruganandham

... Petitioner

Vs.

- 1.The Project Director,
Project Implementation Unit Chennai I,
5th Floor, CMRL Building,
Poonamallee High Road,
Koyambedu, Chennai – 600 107.*
- 2.The Tahsildar,
Madhavaram Tahsildar Office,
Gandhi Main Road, Puzhal,
Chennai – 600 066.*
- 3.The Assistant Commissioner of Police,
Puzhal Range, Puzhal,
Chennai – 600 066.*
- 4.The Inspector of Police,
Puzhal, NH16, New Central Jail,
Puzhal, Chennai – 600 066.*

... Respondents

For Petitioner : Mr.AR.Balaji
For Respondents : Ms.S.R.Sumathy for R1
Mr.T.K.Saravanan,
Additional Government Pleader
for R2 and R3
Mr.A.Gokulakrishnan,
Additional Public Prosecutor
for R4

ORDER

[Order of the Court was made by M.SUNDAR, J.,]
Subject matter of captioned main 'Writ Petition' (hereinafter 'WP' for the sake of brevity) is a land comprised in Survey No.448 in Puzhal Village, Ambattur Taluk, Thiruvallur District (hereinafter 'said land' for the sake of convenience and clarity).

2. Mr.AR.Balaji, learned counsel on record for writ petitioner advertng to the typed set of papers and more particularly sale deed dated 26.04.2004 registered as Document No.1464 of



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2004 on the file of Sub Registrar Office (SRO), Ambattur submitted that writ petitioner has purchased said land for valuable consideration. Learned counsel also submits that said land admeasures 2194 sq.ft. or thereabouts and writ petitioner has inter-alia put up a dwelling house thereat.

3. The writ petitioner is under imminent threat of dispossession/demolition but the writ petitioner has not been put on notice, is learned counsel's say.

4. Issue notice.

5. Ms.S.R.Sumathy, learned counsel accepts notice for R1 and Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R2 and R3 and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor accepts notice for R4.

6. Learned State counsel requested for a short accommodation to get instructions on whether the writ petitioner has been show caused. Request acceded to.

7. List under the cause list caption 'NOTICE REGARDING ADMISSION' in the Admission Board i.e., Motion List on 20.02.205. In the interregnum, let status quo as of today qua said land and superstructure thereon be maintained.'

2. Aforementioned proceedings / order shall now be read as an integral part and parcel of instant order. This means that short forms, short references and abbreviations used in the earlier proceedings / order will continue to be used in the instant proceedings also.

3. Today, advertng to paragraph No.6 of earlier proceedings / order learned counsel Ms.S.R.Sumathy i.e., learned counsel for R1 fairly submitted that writ petitioner has not been show caused but the Highway



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Administration would be show causing the writ petitioner *inter alia* under

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Section 26(3) of 'the Control of National Highways (Land and Traffic) Act, 2002 (13 of 2003)' {hereinafter 'said Act' for the sake of brevity, convenience and clarity}. In the light of sub-section (3) of Section 1 of said Act, we find that said Act is a conditional legislation and this Court is informed that said Act has kicked in on 27.01.2005.

4. If the writ petitioner is show caused under said Act, we make it clear that all rights and contentions of writ petitioner including contentions in the captioned WP are preserved for being raised in response to 'Show Cause Notice' {'SCN'}.

5. Though obvious, we make it clear that response to SCN shall be considered on its own merits and in accordance with law by Highway Administration.

6. Any coercive action qua said land (if any and if that be so) shall be subject to and depending on orders to be made by Highway Administration after show causing the writ petitioner and making an order by considering response of writ petitioner. This douses the anxiety of writ petitioner and therefore, a closure can be given to captioned WP leaving open all rights



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and contentions of both sides.

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[M.S.,J.]

[K.G.T.,J.]

21.02.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

mk

To

1. The Project Director
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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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