



WEB COPY



W.P. No.10707 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

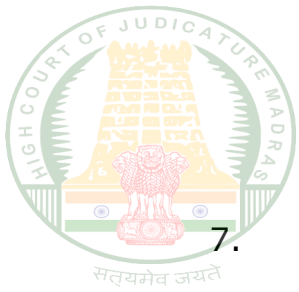
DATED : 28.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

W.P.No.10707 of 2025

- | | | |
|----|--|-------------|
| 1. | P. Padmajothi | |
| 2. | S. Selvambal | Petitioners |
| | | vs. |
| 1. | The District Collector
District Collector Office
Salem District | |
| 2. | The Assistant Director of Town Panchayat
Collectorate Buildings
Salem District | |
| 3. | The Assistant Divisional Engineer
Construction and Maintenance
National Highways Department
Vazhapadi
Salem District | |
| 4. | The Tahsildar
Vazhapadi Taluk
Salem District | |
| 5. | The Executive Officer
Vazhapadi Town Panchayat
Salem District | |
| 6. | D. Ganesan | |



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7. Pazhaniyamma

8. Mariyammal

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to remove the encroachment made by respondents 6 to 8 on the road margin of Vazhapadi to Thimmanayakkanpatti Highway bearing S.No.131/3 which is in front of our patta land, bearing Survey No.131/1 situate at Agrahara Vazhapadi Village.

For petitioners	Mr. G. Jaisivaramaraj
For RR 1 to 4	Mr. M.S. Arasakumar Government Advocate
For R5	Mr. M. Madhubalan for Ms. Agila Rajendran

ORDER

[made by M. SUNDAR, J.]

Captioned 'writ petition' (hereinafter 'WP' for the sake of brevity) has been filed with a mandamus prayer alleging encroachment by RR 6 to 8 (private respondents) in road margin in Vazhapadi to Thimmanayakkanpatti Highway in Survey No.131/3, Agrahara Vazhapadi Village (hereinafter 'said land' for the sake of convenience and clarity).

2. Mr. G. Jaisivaramaraj, learned counsel on record for writ petitioner, who is before this Court, submits that the ingress and

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gress to writ petitioner's property has been severely affected owing to alleged encroachment by RR 6 to 8 in said land. Learned counsel submits that repeated requests to official respondents have not yielded results and that has necessitated the captioned WP.

3. Issue notice to official respondents (RR 1 to 5).

4. Mr. M.S. Arasakumar, learned Government Advocate, accepts notice for RR 1 to 4 and Mr. M. Madhubalan, learned counsel representing Ms. Agila Rajendran, learned counsel, accepts notice for R5.

5. Mr. M.S. Arasakumar, learned State counsel, submits, on instructions, that a survey *qua* said land was conducted by R4 on 26.12.2024, a survey report was drawn up, alleged encroachment by RR 6 to 8 was noticed and proceedings will be initiated under 'the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002)' (hereinafter 'TN Highways Act' for the sake of brevity) and notice will be issued under Section 28(2)(ii) of TN Highways Act.



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6. The aforesaid stated position of the learned Stated counsel has vastly descoped the legal perimeter within which the captioned WP has to perambulate. It is also made clear that notice to RR 6 to 8 can be dispensed with as RR 6 to 8 will be show caused, *i.e.*, given an opportunity and if they make a representation, final orders will have to be made by appropriate authority under proviso to Section 28(2)(ii) of TN Highways Act.

7. This Court makes it clear that this order does not touch upon the rights and contentions of RR 6 to 8 or for that matter, any other person who may be show caused when notice under Section 28(2)(ii) of TN Highways Act is issued. Therefore, there is no impediment in taking up the captioned 'WP' with the consent of the learned counsel on record for writ petitioner and learned State counsel. We do so.

8. Learned State counsel adds that the survey report drawn up by R4 pursuant to the survey on 26.12.2024 has been forwarded by R4 to R3 on 20.01.2025.



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9. Let R3 or any other appropriate authority commence proceedings under TN Highways Act. This means that RR 6 to 8 or any other encroacher *qua* said land will be show caused and if any representation is sent by RR 6 to 8 or any other encroacher, final orders will have to be made after considering such representation and final orders have to be served on the noticees.

10. The issue of notice/proceedings under Section 28(2)(ii) of TN Highways Act will be commenced as expeditiously as the official business of R3 would permit but in any event within four weeks from today *i.e.*, on or before 25.04.2025 is learned State counsel's say. This submission of learned State counsel is recorded.

11. *Ergo*, the sequitur is, captioned WP is disposed of in the aforesaid manner. There shall be no order as to costs.

(M.S., J.) (R.K.M., J.)
28.03.2025

cad
Index : Yes/No
NC : Yes/No

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M.SUNDAR, J.
and
R. KALAIMATHI, J.
cad

To:

1. The District Collector
District Collector Office
Salem District
2. The Assistant Director of Town Panchayat
Collectorate Buildings
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