



W.P.No.24982 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 08.07.2025

CORAM

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

W.P.No.24982 of 2024

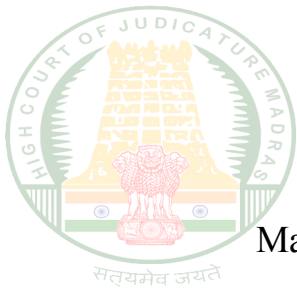
Lakshmi

... Petitioner

vs.

1. The District Collector
Chengalpattu
Chengalpattu District – 603 001
2. Revenue Divisional Officer
Chengalpattu District – 603 306
3. The Project Manager
NHAI-PHU Chengalpattu
No.41/8,2/285 Second Floor
Velachery-Tambaram Main Road
Santhosapuram, Medavakkam
Chengalpattu District – 600 073
4. The Superintendent of Police
Chengalpattu
Chengalpattu District – 603 001
5. The Inspector of Police
Mathuranthagam Police Station

Page Nos.1/7



W.P.No.24982 of 2024

Mathuranthagam -603 306

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6. The Village Administrative Officer
Kallapiranpuram Village
Mathuranthagam

7. Sindu Muruga Construction Pvt. Ltd.,
No.12, Ram Villas Nagar, NGO 'B' Colony
Tirunelveli rep. By its Manager

8. Prasanthh ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing Respondents 1 to 6 to remove the illegal encroachment made by Mr.Prasanth on the National Highway 45 which is a public road located at G.S.T. Road, S.N.J Company Opposite, Kallapiranpuram, Mathuranthagam Taluk (Chengalpattu Highway), Chengalpattu District by considering the petitioner representation dated 15.02.2024 within stipulated time frame.

For petitioner : Mr. K.Shivakumar

For Respondents : Mr. K.Suresh
Government Advocate
for R1 & R2 & R6

Mr.Ashok Kumar
for Mr.Su.Srinivasan
Standing counsel for R3 (NHAI)

Mr.S.Santhosh

Page Nos.2/7



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W.P.No.24982 of 2024

Government Advocate (Crl.side)
for R4 and R5

ORDER

[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 'National Highway 45 which is a public road located at G.S.T. Road, S.N.J Company Opposite, Kallapiranpuram, Mathuranthagam Taluk (Chengalpattu Highway), Chengalpattu District' [hereinafter 'said land' for the sake of convenience].

2. Mr.K.Shivakumar, learned counsel for writ petitioner, Mr.K.Suresh, learned Government Advocate for R1, R2 and R6, Mr.Ashok Kumar, learned counsel representing Mr.Su. Srinivasan, learned Standing counsel for NHAI for R3 and Mr.S.Santhosh, learned Government Advocate (Crl.side) for R4 and R5 are before this Court. R7 and R8 have been duly served, names and addresses of R7 and R8 as in the cause title are shown in the cause list but none appears either in the physical Court or on the 'VC' ['Videoconferencing'] platform (to be noted, this is a hybrid



W.P.No.24982 of 2024

hearing, which is a regular/routine/daily feature in this Court). We are informed by the Registry that R7 and R8 have not chosen to enter appearance through any counsel in spite of being duly served.

3. Learned State counsel submits that survey is in the anvil and if encroachment is noticed in the survey, National Highways Authority will have to initiate action but learned counsel for NHAI submits that State will have to initiate action. We express no opinion on this and leave it open to Competent Authority to commence proceedings.

4. We make it clear that while carrying out the aforesaid exercise, R7 and R8 (private respondents) and / or any other encroacher/s will be put on notice/show caused, given an opportunity and action will be subject to and depending on cause shown / response of noticee/s. Therefore, captioned WP is taken up with the consent of learned counsel for writ petitioner and learned State counsel. Though obvious, it is made clear that this order does not touch upon the rights of R7 and R8 and / or any other noticee/s when they are proceeded against under appropriate/applicable statute. This means that all the rights and contentions of R7 and R8 and/or any other noticee/s remain preserved for responding suitably when show caused /



W.P.No.24982 of 2024

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visited with notices. Though obvious, for the sake of specificity, it is clarified that this Court, in instant order, has not expressed any view or opinion one way or the other regarding alleged encroachment *qua* said land.

5. In the light of the narrative thus far, captioned WP is disposed of in the aforesaid manner, recording the stated position of learned State counsel that survey will be done within a period of eight weeks from today, *i.e.*, on or before 02.09.2025 and action, if any, under appropriate/applicable statute, will be commenced as expeditiously as the business of official respondents would permit but in any event within a period of eight weeks therefrom *i.e.*, on or before 28.10.2025. There shall be no order as to costs.

[M.S., J.]

[H.C., J.]

08.07.2025

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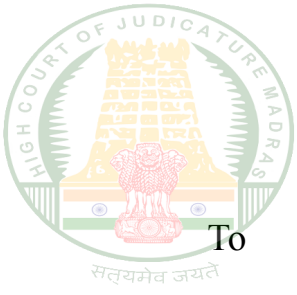
Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

gpa

Page Nos.5/7



W.P.No.24982 of 2024

To

WEB COPY

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W.P.No.24982 of 2024

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

gpa

W.P.No.24982 of 2024

08.07.2025

Page Nos.7/7