



W.P.No.32464 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **MUMMINENI SUDHEER KUMAR**

W.P.No.32464 of 2025

1.M.Myilsamy

2.M.Sakthivel

... Petitioners

Vs.

1.The District Collector,
Collectorate,
Salem, Salem District – 636 001.

2.The Assistant Divisional Engineer
(National Highways),
Chennai to Kanniyakumari Industrial
Corridor Project,
3-3-27-C, Bharathi Nagar,
Akkammapet – 637 301, Salem District.

3.M.Ramesh

4.R.Swetha

5.M.Rajamani

6.Govindhan

7.Kuyil @ Muthu Manikam

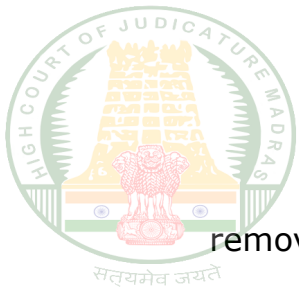
8.M.Aruna

9.Mangai

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Mandamus directing the first respondent to

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remove the encroachments in the National Highways Road in S.F.No.180, which is abutting petitioners' patta lands in S.F. Nos.176/1C1, 176/1A1A and 173/2D1, Manjakkalpatti Village, Sankari Taluk, Salem District under Section 26 of the Control of National Highways (Land and Traffic) Act, 2002 by considering the petitioners' representations dated 09.05.2025 and 22.05.2025.

For Petitioners : Mr.S.Shrish
for Mr.N.Manokaran

For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 and R2

ORDER

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

Subject matter of captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity] is alleged encroachment in 'National Highways Road in S.F.No.180, which is abutting petitioners' patta lands in S.F. Nos.176/1C1, 176/1A1A and 173/2D1, Manjakkalpatti Village, Sankari Taluk, Salem District' [hereinafter 'said land' for the sake of convenience and clarity).

2. Request for removal of aforereferred alleged encroachment



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by writ petitioners by way of representations dated 09.05.2025 and 22.05.2025 have not yielded results and that has necessitated captioned WP, is the submission of learned counsel for writ petitioners.

3. Issue notice to official respondents.

4. Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R1 and R2.

5. Learned State counsel submits that survey of said land will be done after putting all concerned on notice and in their presence, within a period of eight weeks from today, *i.e.*, on or before 28.10.2025, and depending on the outcome of the survey, action for removal of encroachment (if found) will be commenced *vide* the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002) 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 23.12.2025. This submission is recorded.



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6. Though obvious, we make it clear that all the rights and contentions of alleged encroacher/s stand preserved and this order does not touch or impinge upon or impact their rights. Therefore, we dispense with notice to private respondents/R3 to R9 and take up the captioned WP in the Admission Board itself with the consent of learned counsel for writ petitioners and learned State counsel.

7. 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. There shall be no order as to costs.

(M.S.,J.) (M.S.K,J.)
02.09.2025

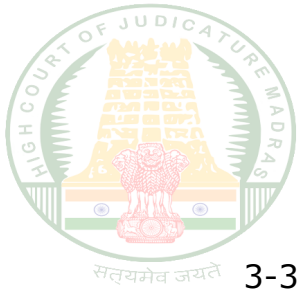
Index : Yes / No
Neutral Citation : Yes / No
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To

1.The District Collector,
Collectorate,
Salem, Salem District – 636 001.

2.The Assistant Divisional Engineer
(National Highways),
Chennai to Kanniyakumari Industrial

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Corridor Project,
3-3-27-C, Bharathi Nagar,
Akkammampet – 637 301, Salem District.

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**M.SUNDAR, J.,
and
MUMMINENI SUDHEER KUMAR, J.,**

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