



W.P.No.19821 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.09.2025

Coram:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19821 of 2020

and

W.M.P.Nos.24487 of 2020 and 9555 of 2021

P.Selvi

.. Petitioner

Vs.

1. The Director General,
Office of the Director General,
Tamil Nadu National Highways,
No.76, Sardar Patel Road,
Guindy, Chennai-600 025.

2. The Superintending Engineer,
National Highways,
Kuranguchavadi,
Omalur Main Road,
Salem-636 004.

3. The Divisional Engineer (Highways),
Quality Control,
Opp. to C.J.Pallazio Hotel,
State Bank Colony,
Salem-636 001.

4. The District Collector,
Collectorate Building,
Salem-636 001.

5. The Tahsildhar,
Salem South,
Maniyanur,
Salem-636 010.

.. Respondents

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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear all the respondents, their men or agents from interfering, disturbing with petitioner's title, possession and enjoyment of the property to an extent of 2698 and 3/4 Sq.Ft. in Survey No.21/7B7, Vembadithalam Village, 6/117, R.P.R.Colony, Kakapalayam to Elampillai Main Road, Vembadithalam, Salem South Taluk, Salem District.

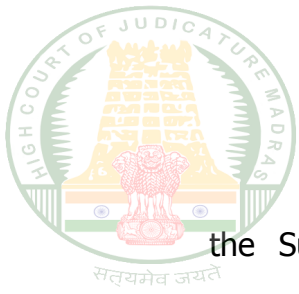
For petitioner : Mr.A.R.Srinivasan for M/s.M.S.Harsha Prabhu

For respondents: Mr.A.M.Ayyadurai, Govt. Advocate

ORDER

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Mandamus to forbear all the respondents, their men or agents from interfering, disturbing with petitioner's title, possession and enjoyment of the property to an extent of 2698 and 3/4 Sq.Ft. in Survey No.21/7B7, Vembadithalam Village, 6/117, R.P.R.Colony, Kakapalayam to Elampillai Main Road, Vembadithalam, Salem South Taluk, Salem District.

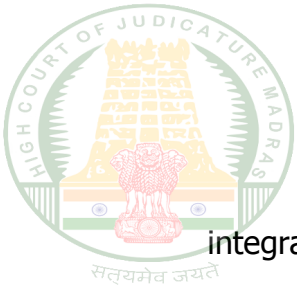
2. The petitioner purchased the property of an extent of 2698 and 3/4 Sq.Ft. situated at No.6/117, R.P.R.Colony Main Road, Vembadithalam, Salem South Taluk, Salem District - 637504, from one Uthamappan and Chithappan in the year 1996 by executing a sale deed No.6286, dated 22.07.1996 on the file of



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the Sub-Registrar, Magudanchavadi. The petitioner is residing in the said property for the past 24 years and rented out the ground floor portion of the said property to Union Bank of India, and the property has been constructed only after obtaining necessary planning permission from the authority. The title of the above property was also confirmed by this Court in S.A.No.1356 of 2008 in a civil dispute between the heirs of the petitioner's vendor and it has reached finality. The respondents trespassed into the petitioner's property without any notice and simply marked the 10 feet on Southern side and 6 feet on the Northern side of the property and informed the petitioner to demolish the front portion of the said property for laying water pipe-lines. According to the petitioner, the action of the respondents is in clear violation of the principles of natural justice and the second respondent can lay pipe-lines without disturbing the petitioner's property. The petitioner sent detailed representation on the issue to the third respondent on 21.09.2020 and to the second respondent on 01.12.2020 and till date, no proper reply had been given by the respondents. According to the petitioner, a prima-facie case has been made out and the balance of convenience lies entirely in favour of the petitioner for grant of necessary order. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

3. The respondents have filed counter affidavit stating that the Government of Tamil Nadu had proposed to establish an advanced institute for

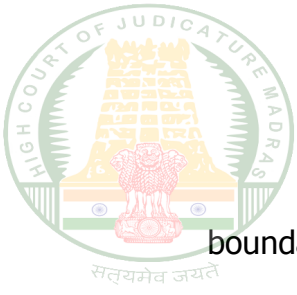


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integrated research of live-stock and animal science at Thalaivasal Koot Road in Salem District and in order to implement this project of laying of underground water pipe-line work, the same should be executed along the road sides starting from Edapaddi to Thalaivasal Koot Road (via) Chinnappampatty to Kakkapalayam Road for providing water supply to the advanced institute of integrated research on live-stock and animal science and this work is to be carried out by the Tamil Nadu Water Supply and Drainage Board, Salem.

4. It is the further stand of the respondents in the counter affidavit that the Divisional Engineer (Highways) Construction and Maintenance, Salem, the authority concerned had accorded permission for laying pipe-lines in various locations along the road-sides under the jurisdiction of Salem (Highways) Construction and Maintenance Division. Before execution of the work, the demarcation of Highways boundary had taken place in the entire stretch of Kakkapalayam-Chinnappampatty Road. The petitioner did not allow the authorities to mark the Highways boundary near-by the petitioner's property. After a prolonged conversation between the Highway officials and the petitioner, the Surveyor had marked Highways boundary, wherein, it was found the encroachment of an extent of 0.0051.0 Sq.Fts. and upon which, concrete building was erected in Survey No.20/1 at Kakkapalayam-Chinnappampatty Road Km-0/10-left side. Action is also being taken for re-surveying the Highways

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boundary near-by the petitioner's property requesting the Tahsildar, Salem (South) to Survey the land, vide Assistant Divisional Engineer (Highways) Construction and Maintenance, Salem in Lr.No.55/2021/A, dated 05.02.2021. As such, while executing re-survey process, it was found that there was an encroachment of 0.0051.0 Sq.Mts. of Highways road-side portion abutting the petitioner's property and there is a pucca concrete building erected for commercial purpose. The Revenue Records like field measurement book - A-Register copy and Form-1 received from the Tahsildar, Salem (South), Salem, vide Letter No.338/2021, dated 01.03.2021, clearly exposes the actual extent of Highways land encroached upon by he petitioner and annexed to his schedule of property.

5. Further, according to the respondents, the Highways Department officials had not disturbed peaceful possession and enjoyment of the Patta land of the petitioner. The respondents are worried about the encroached portion of the land by the petitioner, which lies in the boundary of the Highways Department, which is in need of laying pipe-lines for the said project titled, "Advanced Institute of Integrated Research on Live Stock and Animal Science" at Thalaivaal Koot Road, Salem District for the benefit of public. This according to the respondents, does not mean that the Highways officials are causing hindrance to the peaceful possession of the petitioner's property and threatening



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to annexe a part of the suit property as stated by the petitioner.

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6. Heard both sides and perused the materials available on record.

7. Considering the facts and circumstances of the case and on a perusal of the pleadings, it is to be noted that if the respondents want to evict the petitioner on the ground of the integrated project as stated above, it is for the respondents to invoke the relevant provisions of law and act on the encroachment, if at all there is any, and only after taking legal action on the project commensurate with the pleadings, the respondents are directed to act according to the legal requirements of the project and if situation warrants, shall take action in accordance with the relevant Act/Rules in force.

8. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the miscellaneous petitions are closed.

03.09.2025

CS

To

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2. The Superintending Engineer,

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