



WEB COPY



W.P.No.26728 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.26728 of 2025

S. Rajan

Petitioner

vs.

1. The Divisional Engineer
Construction & Maintenance
Highways Department
Kallakurichi & District
2. The Assistant Divisional Engineer
Construction & Maintenance
Highways Department
Ulundurpet
Kallakurichi & District
3. The Tahsildar
Revenue Tahsildar Office
Ulundurpet
Kallakurichi & District
4. N. Anandavel
5. N. Asokan
6. N. Sudhakar

Respondents



W.P.No.26728 of 2025

Writ Petition filed under Article 226 of the Constitution of India

praying to issue a writ of mandamus directing the third respondent to remove encroachment made by respondents 4 to 6 over Ulundurpet Highway nearby Mariamman Pudukkovil comprised in Survey No.214 situated at Ulundur Village, Ulundurpet Taluk, Kallakurichi District.

For petitioner Mr. G. Balamanikandan

For RR 1 to 3 Mr. T.K. Saravanan
Addl. Government Pleader

ORDER

[made by M.SUNDAR, J.]

Subject matter of captioned 'writ petition' [hereinafter 'WP' for the sake of brevity] is 'alleged encroachment in Survey No.214 over Ulundurpet Highway nearby Mariamman Pudukkovil situate at Ulundur Village, Ulundurpet Taluk, Kallakurichi District' [hereinafter 'said land' for the sake of convenience and clarity).

2. Request for removal of aforesaid alleged encroachment by writ petitioner by way of a representation dated 26.03.2025 to R1 (Divisional Engineer, Construction & Maintenance, Highways Department) has not yielded results and that has necessitated



W.P.No.26728 of 2025

captioned WP, is the submission of Mr. G. Balamaniandan, learned counsel for writ petitioner.

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

4. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for official respondents. 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 six weeks from today, *i.e.*, on or before 03.09.2025, 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 six weeks therefrom, *i.e.*, on or before 15.10.2025. This submission is recorded.

5. Though obvious, we make it clear that all the rights and contentions of the private respondents stand preserved and this order does not touch or impinge upon or impact their rights. Therefore, there



W.P.No.26728 of 2025

is no impediment in dispensing with notice to private respondents and taking up the captioned WP with the consent of the learned State counsel and learned counsel for writ petitioner. We do so.

6. 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.) (H.C., J.)
23.07.2025

cad



W.P.No.26728 of 2025

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- To
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W.P.No.26728 of 2025

M.SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

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W.P.No.26728 of 2025

23.06.2025

Page Nos.6/6