



WEB COPY



WP No. 34553 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-09-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 34553 of 2025 AND

WMP Nos. 38711 and 38717 OF 2025

Venkata Lakshmi
W/o.Balaji Alias Ramadas, No.1, Rastha Street,
Thiruvarur Road, Mappillai Kuppam, Nannilam
Taluk, Thiruvarur District

..Petitioner

Vs

1. The Superintending Engineer
(construction And Maintenance Division),
State Highways Department, 888, Tvs Toll,
Subramaniapuram, Trichy
2. The Divisional Engineer
(construction And Maintenance Division) State
Highways Department, Thiruvarur
3. The Assistant Divisional Engineer
(construction And Maintenance Division),
State Highways Department, Nannilam,
Thiruvarur District



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4. The Assistant Engineer
(construction And Maintenance Division),
State Highways Department, Nannilam,
Thiruvarur District

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the issuance of Notice dated 18.8.2025 by the 4th respondent by invoking Chapter 5 Sec.28(1) Highways Act 2001 and quash the same consequently change the alignment of the laying of the road in such manner avoiding the property of the petitioner in Survey No.325/15, Old No.54-15, Anikuppam village, Nannilam Taluk, Thiruvarur District of an extent of 1389 square feet or 129.04 square meters pursuant to the representation dated 28.8.2025 given by the petitioner.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.D.Ravichander
Special Government Pleader

Order

(Order of the Court was made by R.Suresh Kumar J.)

The prayer sought for herein is for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the issuance of



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Notice dated 18.8.2025 by the 4th respondent by invoking Chapter 5 sec.28(1) Highways Act 2001 and quash the same consequently change the alignment of the laying of the road in such manner avoiding the property of the petitioner in Survey No.325/15, Old No.54-15, Anikuppam village, Nannilam Taluk, Thiruvarur District of an extent of 1389 square feet or 129.04 square meters pursuant to the representation dated 28.8.2025 given by the petitioner.

2. In respect of the property at Survey No.325/15, Old No.54-15, Anikuppam village, Nannilam Taluk, Thiruvarur District to an extent of 1389 Sq.ft, it is the case of the petitioner that it is her own land as she purchased it for a valid consideration from her vendor, who got it by way of settlement from his family. Therefore, it is not the land of any other authority including the Highways Authority, who are the respondents herein.

3. When that being so, on 18.08.2025 an order has been passed stating that, the petitioner has been in encroachment of the said land,



which belongs to the Highways Department and therefore, within 15 days from the date of such notice, the petitioner shall remove such encroachment or otherwise action would be taken to remove the same.

4. As per Section 28(2) of the National Highways Act (hereinafter referred to as 'the Act'), if any such order is passed, before which, show cause notice has to be given. But, no such show cause notice since has been given, the petitioner having treated the notice dated 18.08.2025 as a show cause notice, has given her reply on 28.08.2025. Having received the same, till date no order has been passed by the respondents and therefore, the petitioner apprehends that any time the respondents may come and take action to abruptly remove the petitioner from the land, which according to the petitioner, belongs to her.

5. Heard Mr.D.Ravichander, learned Special Government Pleader for the respondents, who would submit that, if at all any show cause notice prior to the impugned order has not been given, treating the said order dated 18.08.2025 as a show cause notice since reply has been given on



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28.08.2025, that would be considered as reply to the show cause notice by the fourth respondent herein and accordingly order on merits would be passed by the said authority within a time frame as stipulated by this Court.

6. Having regard to the said facts and circumstances of the case and the submissions made in this regard by both sides, especially the stand taken by the learned Special Government Pleader, we are inclined to dispose of this writ petition with a direction to the fourth respondent to consider the reply given by the petitioner dated 28.08.2025 as reply to the notice dated 18.08.2025, as the said proceedings shall only be treated as show cause notice and accordingly an order to that effect can be passed on merits and in accordance with law under the proviso to Section 28(2) of the Act, and such orders shall be passed within a period of two months from the date of receipt of a copy of this order. Till such time, the present position of the petitioner in the land in question shall not be disturbed.



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7. With the above directions, this writ petition is disposed of. No costs. W.M.P.No.38711 of 2025 is ordered and W.M.P.No.38717 of 2025 is closed.

(R.S.K.,J.) (H.C.,J.)
19-09-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



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**R.SURESH KUMAR J.
AND
HEMANT CHANDANGOUDAR J.**

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