



WEB COPY



WP No. 37352 of 2025 etc.,

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-09-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P Nos. 37352, 37355, 37357, 37366, 37371, 37376 and 37378 of 2025

AND WMP Nos.41814, 41786, 41790, 41792, 41801, 41805 & 41810 of 2025

E.Anjalai

W/o Elayaperumal 117/25, Paalayapattu Street,
Ulundurpettai 606107, Kallakurichi District

... Petitioner in W.P.37352

R Lenin

S/o Ramar, New Colony, Semmanangur Road,
Ulundurpettai 606 107, Kallakurichi District

....Petitioner in W.P.37355

R. Murugan

S/o Rajagopal 3/2/11 Paalayapattu Street,
Ulundurpettai 606 107 Kallakurichi District

... Petitioner in W.P.37357

R.Govindan

S/o.Raji, 24, Paalayapattu Street,
Ulundurpettai-606 107,Kallakurichi District

... Petitioner in W.P.37366

N.Ananthavel

W/o.Natesan, 1/4,Paalayapattu Street,
Ulundurpettai-606 107 Kallakurichi District

... Petitioner in W.P.37371

R.Arul

S/o.Rajagopal, 43, Middle Street,
Ulunthantarkovil Colony,
Ulundurpettai-606 107, Kallakurichi District.

... Petitioner in W.P.37376



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N.Alamelumangai
W/o.Nagarajan, 1, Paalayapattu Street,
Ulundurpettai-606 107, Kallakurichi District.

... Petitioner in W.P.37378

Vs

The Assistant Engineer
Construction And Maintenance, Ulundurpettai,
Kallakurichi District

..Respondent in all W.Ps.

Common Prayer : Writ Petitions under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for the records on the file of the Respondent in Notice bearing Letter Number 53/ 2025 / U.Po / Dated 17.09.2025, and Quash the same as unlawful, arbitrary and unconstitutional and consequentially direct the respondent to consider and pass orders on petitioners representation dated 18.09.2025.

In all W.Ps

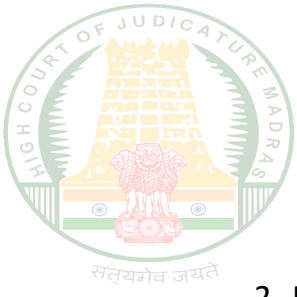
For Petitioners: Mr.M. Himavanth

For Respondent : Mr.S.Arumugam, Government Advocate

COMMON ORDER

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

Since the issue raised in these writ petitions is common, at the admission stage, with the consent of the learned counsel for both sides, all these writ petitions were heard together and disposed of by this common order.



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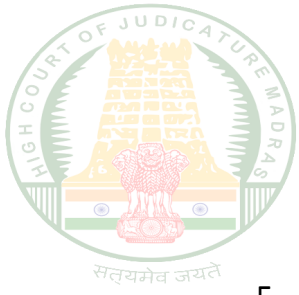
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2. Mr.S.Arumugam, learned Government Advocate takes notice on behalf of the respondent.

3. We have heard Mr.M.Himavanth, learned counsel for the petitioners and the learned Government Advocate for the respondent.

4. The subject land in the respective writ petitions belong to the Highways Department, which is an admitted fact. Since the petitioners had been in occupation of the Highways land, impugned orders dated 17.09.2025 have been passed, whereby the following has been directed.

" You have encroached on the land belonging to the Highways Department at km.5/2 of the Pandur-Ulundhandar Kovil Road, another district road under the control of the Ulundurpet Highway Sub-Fort and you have constructed temporary / permanent buildings erected by you encroaching on the Highways Department boundary at your own cost within 7 days or receipt of this notice. Failure to do so will result in the Highways Department removing the encroachments and collecting double the cost incurred from you as per the Tamil Nadu Highways Act, 2001."



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5. Questioning the said order passed by the Highways Department, the learned counsel for the petitioners would submit that even under Section 28 of the Highways Act, before passing the order show cause notice should have been given and opportunity for giving reply also to be given and once the reply is given, it has to be considered by the respondent, where, if at all any request specifically is made and if the property developed by the petitioners at the Highways Department land is not a hindrance to the free flow of traffic, it may be possible for the Highways authority to consider such encroachment or construction of dwelling house as the properties developed by the occupants for the purpose of rent and accordingly rent can be fixed and collected by the Highways Department. This is one of the ways found out for giving solace to the encroachers, he submitted.

6. Be that as it may. Whether a particular encroachment is a hindrance to the free flow of traffic or it would be hindrance to the expansion of the Highways is concerned, it is a matter to be decided only by the Highways Department and therefore, insofar as the present order dated 17.09.2025 is concerned, before which since show cause notice has not been issued, we deem it fit that such order dated 17.09.2025 can be considered to be a show cause notice and considering the said



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order as show cause notice, already reply also has been given by the petitioners on 18.09.2025. Therefore, we are inclined to pass the following orders in all these writ petitions.

- (a) The reply given by the respective petitioners for the impugned order dated 17.09.2025, treating it as a show cause notice, shall be considered objectively by the Highways Department ie., the respondent herein and thereupon a decision can be taken and be communicated to each of the petitioners within a period of 30 days from the date of receipt of a copy of this order.
- (b) Till such time, no coercive steps shall be taken by the respondent to evict the petitioners.

7. With the above directions, the writ petitions are disposed of. No costs.
Consequently, connected miscellaneous petitions are closed.

(R.S.K.,J.) (H.C.,J.)
26-09-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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**R.SURESH KUMAR J.
AND
HEMANT CHANDANGOUDAR J.**

KST

To

The Assistant Engineer
Construction And Maintenance,
Ulundurpettai, Kallakurichi District

**W.P Nos. 37352, 37355, 37357,
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