



Writ Petition No.40569 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 30.10.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Writ Petition No.40569 of 2025**

**and**

**W.M.P.No.45502 of 2025**

A.Karuppayee  
W/o.Angamuthu

Petitioner

Vs

1.The District Collector,  
Collectorate,  
Salem and District-636 001.

2.The Revenue Divisional Officer,  
Office of The Revenue Divisional Officer,  
Attur Subdivision, Salem District.

3.The Assistant Divisional Engineer,  
Highways Department,  
O/o.Assistant Divisional Engineer,  
Attur, Salem District.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the respondents their men, agents, servants or anybody claiming through or under them from evicting the petitioner from survey No.152/1 land piece No.3, in Ammampalayam Village, Attur Taluk, Salem District without providing the petitioner an opportunity of personal hearing to produce all the relevant documents with regard to her ownership to an extent of one cent of land in S.No.152/1 land piece No.3 in Ammampalayam village, Attur Taluk, Salem District.



Writ Petition No.40569 of 2025

For Petitioner : Mr.S.Sathia Chandran  
For Respondents : Mr.C.Jayaprakash  
Government Advocate

\*\*\*\*\*

**ORDER**

This writ petition has been filed seeking issuance of a writ of mandamus forbearing the respondents from in any manner evicting the petitioner from the subject property without affording opportunity of personal hearing to the petitioner.

2. Heard Mr.S.Sathia Chandran, learned counsel for petitioner and Mr.C.Jayaprakash, learned Government Advocate appearing for respondents.

3. The case of the petitioner is that she is in possession and enjoyment of the property for a long period of time. A writ petition came to be filed before this Court in W.P.No.30384 of 2025 by one Venkatachalam on the ground that seven persons have encroached upon the State Highways and that the said encroachment must be removed. This writ petition came to be disposed of by the Division Bench of this Court by order dated 13.08.2025. This Court made it clear that such proceedings shall be initiated by issuing notice all parties concerned.

4. The grievance of the petitioner is that till date, the petitioner



Writ Petition No.40569 of 2025

has not received any show cause notice and in spite of the same, steps are being taken to evict the petitioner from the subject property. It is under these circumstances, the present writ petition has been filed.

5. In the considered view of this Court, even when the order was passed by the Division Bench on 13.08.2025, it was made clear that all the concerned parties will be issued notice in accordance with Section 28 r/w Section 2(13) and Section 5(2) of the amended Tamil Nadu Highways Act and only after affording opportunity to them, further action will be taken by the Highways Department.

6. In view of the above, if the petitioner is branded as an encroacher and steps are going to be taken to evict the petitioner, obviously notice has to be issued to the petitioner and opportunity has to be given to the petitioner and thereafter, the authorities shall take action in accordance with law. This clarity will sufficiently take care of the grievance expressed by the petitioner.

**N.ANAND VENKATESH, J.**



Writ Petition No.40569 of 2025

gm

WEB COPY

This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

**30.10.2025**

Index:yes/no

Speaking order/Non-speaking order

Neutral citation: yes/no

gm

To

1.The District Collector,  
Collectorate,  
Salem and District-636 001.

2.The Revenue Divisional Officer,  
Office of The Revenue Divisional Officer,  
Attur Subdivision, Salem District.

3.The Assistant Divisional Engineer,  
Highways Department,  
O/o.Assistant Divisional Engineer,  
Attur, Salem District.

**Writ Petition No.40569 of 2025**