



WEB COPY



WP No. 39521 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2025

CORAM

**THE HONOURABLE Mr.JUSTICE S. M. SUBRAMANIAM
AND**

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP Nos.39521, 39526, 39530, 39534 & 39538 OF 2025

AND

**WMP NOS.44380, 44381, 44388, 44389, 44394, 44395, 44398,
44400, 44405 & 44406 OF 2025**

WP.No.39521/2025

1. Tmt. Kamatchi, (f/51)
W/o. Chandran, 9/154d,
Medharamadevi, Muthugapati Village
And Post, Senthamangalam, Namakkal
District-637405

Petitioner(s)

Vs

1. The District Collector
Namakkal District At Namakkal.

2.The Thasildar,
Sendhamangalam, Namakkal.

3.The Assistant Divisional Engineer,
Highways, (G(M)P),
Senthamangalam, Namakkal District.

4.The Chief Engineer,
Highways Department,
Construction And Maintenance,
Namakkal District.

5.Mr. A.A.V.Arulrajesh, Ex-president,



WP No. 39521 of 2025

S/o. Arulmani,
9/54, Medharamadevi Colony,
Muthugapati Village And Post,
Sendhamangalamtaluk,
Namakkal District-637405.

Respondent(s)

WP No. 39526 of 2025

1. K.Socretes (m/50)
S/o.Kulandhaivel,
9/75, Medharamadevi,
Muthugapati Village And Post,
Namakkal District 637405.

Petitioner(s)

Vs

1. The District Collector
Namakkal District At Namakkal.

2.The Thasildar,
Sendhamangalam, Namakkal.

3.The Assistant Divisional Engineer,
Highways, (G(M)P),
Senthamangalam,
Namakkal District.

4.The Chief Engineer,
Highways Department,
Construction And Maintenance,
Namakkal District.

5.Mr. A.A.V.Arulrajesh, Ex-president,
S/o. Arulmani, 9/54,
Medharamadevi Colony, Muthugapati
Village And Post,
Sendhamangalamtaluk, Namakkal
District-637405.

Respondent(s)



WP No. 39521 of 2025

WP No. 39530 of 2025

1. N.Devasenathipathy
S/o.Natarajan
9/88A, Medharamadevi,
Muthugapati Village And Post,
Namakkal District 637405.

Petitioner(s)

Vs

1. The District Collector
Namakkal District At Namakkal.
- 2.The Thasildar,
Sendhamangalam, Namakkal.
- 3.The Assistant Divisional Engineer,
Highways, (G(M)P),
Senthamangalam, Namakkal District.
- 4.The Chief Engineer,
Highways Department,
Construction And Maintenance,
Namakkal District.
- 5.Mr. A.A.V.Arulrajesh, Ex-president,
S/o. Arulmani,
9/54, Medharamadevi Colony,
Muthugapati Village And Post,
Sendhamangalamtaluk, Namakkal
District-637405.

Respondent(s)

WP No. 39534 of 2025

1. S.Tamilarasan
S/o.Selvaraj, 8/99 Medharamadevi,
Muthugapati Village And Post,
Namakkal District 637405.

Petitioner(s)

Vs



WP No. 39521 of 2025

1. The District Collector
Namakkal District At Namakkal.

2. The Thasildar,
Sendhamangalam, Namakkal.

3. The Assistant Divisional Engineer,
Highways, (g(m)p), Senthamangalam,
Namakkal District.

4. The Chief Engineer,
Highways Department,
Construction And Maintenance,
Namakkal District.

5. Mr. A.A.V.Arulrajesh, Ex-president,
S/o. Arulmani, 9/54,
Medharamadevi Colony, Muthugapati
Village And Post,
Sendhamangalamtaluk, Namakkal
District-637405.

Respondent(s)

WP No. 39538 of 2025

1. S.Dhanapal
S/o.Sanmugam,
8/29d, Medharamadevi,
Muthugapati Village And Post,
Namakkal District 637405.

Petitioner(s)

Vs

1. The District Collector
Namakkal District At Namakkal.

2. The Thasildar,
Sendhamangalam, Namakkal.

3. The Assistant Divisional Engineer,



WP No. 39521 of 2025

Highways, (g(m)p), Senthamangalam,
Namakkal District.

4.The Chief Engineer,
Highways Department,
Construction And Maintenance,
Namakkal District.

5.Mr. A.A.V.Arulrajesh, Ex-president,
S/o. Arulmani, 9/54,
Medharamadevi Colony, Muthugapati
Village And Post,
Sendhamangalamtaluk, Namakkal
District-637405.

Respondent(s)

WP No. 39521 of 2025

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for records relating to third respondents proceedings made in Na.Ka.No.528/2025/E.Ni.Oo/ dated 08.10.2025 to quash the same and to consequently direct the respondents 1 to 4 not to disturb the peaceful possession of the petitioner in Survey No.269/1 for Plot No.94 and Patta No.5124 situate at Muthugapatti Village, Namakkal without first surveying the petitioner's land pursuant to the assignment patta issued in Na.Ka.1060/98(A1) dated 21.10.1999.

WP No. 39526 of 2025

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for records relating to third respondent's proceedings made in Na.Ka.No.528/2025/E.Ni.Oo/ dated 08.10.2025 to quash the same and to consequently direct the respondents 1 to 4 not to disturb the peaceful possession of the petitioner in Survey No.268/3A for Plot No.26 situate at Muthugapatti Village, Namakkal without first surveying the petitioner's land pursuant to the assignment patta issued in No.1392/HSD/1411 dated 31.12.2001.

WP No. 39530 of 2025



WP No. 39521 of 2025

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for records relating to third respondent's proceedings made in Na.Ka.No.528/2025/E.Ni.U/ dated 08.10.2025 to quash the same and to consequently direct the respondents 1 to 4 not to disturb the peaceful possession of the petitioner in Survey No.268/3A for Plot No.15 situate at Muthugapatti Village, Namakkal without first surveying the petitioner's land pursuant to the assignment patta issued in No.1370/HSD/1411 dated 31.12.2001.

WP No. 39534 of 2025

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for records relating to third respondent's proceedings made in Na.Ka.No.528/2025/E.Ni.Oo/ dated 08.10.2025 to quash the same and to consequently direct the respondents 1 to 4 not to disturb the peaceful possession of the petitioner in Survey No.268/3A for Plot No.5 situate at Muthugapatti Village, Namakkal without first surveying the petitioner's land pursuant to the assignment patta issued in No.HSD/618/F/415/05-06 dated 25.09.2005.

WP No. 39538 of 2025

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for records relating to third respondent's proceedings made in Na.Ka.No.528/2025/E.Ni.Oo/ dated 08.10.2025 to quash the same and to consequently direct the respondents 1 to 4 not to disturb the peaceful possession of the petitioner in Survey No.268/3A for Plot No.10 situate at Muthugapatti Village, Namakkal without first surveying the petitioner's land pursuant to the assignment patta issued in No.1380/HSD/1411 dated 31.12.2001.

For Petitioner(s): Mr.L. Chandrakumar
in all WPs.

For Respondent(s): Mr. A. Selvendran
in all WPs. Spl. GP For R1 To R4.



WP No. 39521 of 2025

COMMON ORDER

WEB COPY

*(Order of the Court was made by **S.M.Subramaniam J.**)*

The eviction proceedings initiated under Section 28(2) of the Tamil Nadu Highways Act, 2001 is sought to be assailed in the present writ petition.

2.Mr.L.Chandrakumar, learned counsel appearing on behalf of the petitioners would mainly contend that on an earlier occasion, the petitioner (A.A.V.Arulrajesh) filed a writ petition in W.P.No.12567 of 2025 and the Division Bench of this Court passed an order on 08.04.2025 directing the authorities to conduct survey within a period of eight weeks. Another writ petition was filed by Devasenathipathy (the petitioner herein), in WP.No.25217 of 2025 and the learned Single Judge of this Court by order dated 10.07.2025 reiterated the order passed by the Division Bench and directed the Authorities to conduct survey.

3.Relying on the above judgments, it is contended that the survey is to be conducted and the petitioners may not have any serious objections for removal of encroachments in the Highways property. However, they should not be dislocated from the assigned land for which patta has been issued to them.



WP No. 39521 of 2025

WEB COPY

4.The learned Special Government Pleader would oppose by stating that survey was effected as per the directions of this Court in WP.No.12567 of 2025 dated 08.04.2025 and the said order was reiterated in WP.No.25217 of 2025 dated 10.07.2025, survey was conducted by the Revenue Officials at Medharamadevi-Salapalayam Taluk and a report was submitted regarding the encroached portion of the Highways property. As per the said report, the petitioners have encroached Highway land to their patta land. Consequently, the Assistant Divisional Engineer sent a notice to the petitioners by initiating eviction proceedings under Section 28(2) of the Tamil Nadu Highways Act, 2001.

5.The Assistant Divisional Engineer in paragraph 10 has stated as follows:-

“10.It is submitted that the petitioners patta land is not situated in the road maintained by the Highways Department. It is situated only in Survey No.269/1 and 268/3A. However, the petitioners have illegally encroached and constructed structures in Highway lands an extent of (i)0.0032.0 Sq.mtr. Compound wall and Bath room in Survey No.404/21, (ii)0.0009.2 Sq.mtr Compound wall in Survey No.397/21 (iii) 0.0030.0 Sq.Mtr Concrete House (iv) 0.0008.5 Sq.Mtr Concrete House (v) 0.0016.3 Sq.Mtr Compound wall and House in Survey



WP No. 39521 of 2025

WEB COPY

No.268/1 along with their patta land issued by the Revenue Department. The portion of encroachments in Survey No.404/21, 397/21 and 268/1 by the petitioners, have only to be removed adhering due formalities.”

6. Therefore, the Highways Authorities themselves have demarketed the assigned portion of the land as well as the encroached portion of the Highways property. Since survey had been conducted and encroachments are identified, all further actions are to be initiated only with reference to the encroachments made in the Highways property as stated in paragraph 10 of the counter filed by the Assistant Divisional Engineer.

7. With the above observations, all the writ petitions are dismissed. No costs. Consequently, connected WMPs are also closed.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)
18-12-2025

kmi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WP No. 39521 of 2025

WEB COPY

To

- 1.The District Collector
Namakkal District At Namakkal.
- 2.The Thasildar,
Sendhamangalam, Namakkal.
- 3.The Assistant Divisional Engineer,
Highways, (g(m)p), Senthamangalam,
Namakkal District.
- 4.The Chief Engineer,
Highways Department,
Construction And Maintenance,
Namakkal District.



WEB COPY



WP No. 39521 of 2025

S.M.SUBRAMANIAM J.

AND

C.KUMARAPPAN J.

kmi

**WP Nos.39521, 39526,
39530, 39534 & 39538
OF 2025**

18-12-2025