



W.P.No.45472 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.45472 of 2025

and

W.M.P.No.50669 of 2025

N.Pazhani

... Petitioner

-VS-

1.The Assistant Divisional Engineer,
Highways Department Sub-Division Office,
Nenmeli, Sriperumbudur – 602 105.

2.The Executive Officer,
(Hindu Religious and Charitable Endowments Department),
Arulmigu Sri Nagaswarar Temple,
2, Tank Street, Kundrathur, Chennai – 600 069.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to stop the eviction process until the rainy season end or till end the entire project in all other areas.



W.P.No.45472 of 2025

For Petitioner : Mr.B.Karthik Narayanan

For Respondents : Mr.A.Selvendran,
Spl.G.P. for R1

Mr.S.Ravichandran,
Addl. G.P (HR&CE) for R2

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.,)

The Writ of Mandamus has been instituted to direct the 1st respondent to stop the eviction process until rainy season or till the end of the entire project.

2. The relief as such sought for is not maintainable and a perusal of the affidavit filed in support of the Writ Petition would show that the writ petitioner appears to be an encroacher. That apart Assistant Divisional Engineer, Sriperumbudur, vide notice dated 16.09.2010 asked the petitioner to vacate the Highways encroachment. As per the Assistant Divisional Engineer, the petitioner has encroached upon the Highways land, however, the further action taken at the end of the Highways Department has not been stated. Encroachments in Highways properties at no circumstances be permitted. The Authorities competent are bound to



W.P.No.45472 of 2025

evict the encroachers by following the procedures as contemplated under the relevant provisions of the Act.

3. In the present case, the relief sought for is not maintainable and if at all the petitioner has got any defence, he is at liberty to submit his written explanation to the competent Authority in response to the notice, if any, issued. The respondents are directed to conduct proper survey and ascertain the encroachments in the Highways property, temple property etc., and initiate all proper action for eviction of encroachments from the public properties and temple properties. The said exercise is directed to be complete within a period of twelve(12) weeks from the date of receipt of a copy of this order.

4. Consequently, the Writ Petition stands **dismissed**. No costs. consequently, the connected miscellaneous petition stands closed.

(S.M.S,J.) (C.K,J.)
08.12.2025

Index: Yes / No
Internet: Yes / No
dsa



W.P.No.45472 of 2025

To:

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W.P.No.45472 of 2025

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