



W.P(MD)No.1564 of 2025 batch

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)Nos.1564 of 2025
and
W.P.(MD) Nos.16401, 16524 and 16715 of 2020
and
W.M.P.(MD) Nos.13817, 13819, 13724, 13727,
13961 of 2020 and 18912 and 20587 of 2023**

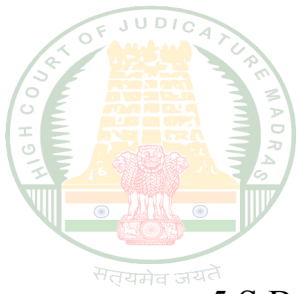
W.P.(MD) No.1564 of 2025:

S.N.Gandhi

... Petitioner

Vs.

- 1.The District Collector/Monitoring Committee,
Dindigul District,
Dindigul.
- 2.The Divisional Engineer (D3),
Highways Department,
Dindigul District.
- 3.The Assistant Engineer,
Highways Department,
Aathur Sub Division,
Dindigul District.
- 4.The Tahsildar,
Aathur Taluk, Dindigul District.



W.P(MD)No.1564 of 2025 batch

5.S.Bose

6.P.Chinna Thevar

7.A.Chinna Thambi

8.Mokkaiyan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st to 4th respondents to remove the encroachments made in the S.No.359, Bodikamanvadi Village, Aathur Taluk, Dindigul District by considering the petitioner's representation dated 28.11.2024 within the time frame that may be fixed by this Court.

For Petitioner : Ms.M.Lavanya
for Mr.B.Pravin Kumar

For RR1 to 4 : Mr.M.Sarangan
Additional Government Pleader

W.P.(MD) No.16401 of 2020:

C.Mayakkal

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Divisional Engineer (D-3),
Highways Department,
Dindigul District.



W.P(MD)No.1564 of 2025 batch

3.The Assistant Engineer (D-1),
Highways Department,
Aathur Sub Division,
Dindigul District.

4.The Tahsildar,
Aathur Taluk, Dindigul District.

5.The Assistant Engineer,
TANGEDCO,
Sithaiyankottai,
Dindigul District.

... Respondents

*[R5-suo motu impleaded vide Court order dated
20.11.2020 in W.P.(MD) No.16401 of 2020]*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certioratified Mandamus, to call for the record pertaining to the impugned Notice in Memorandum No.17/2020/EVa.A, dated 04.09.2020 issued by the 3rd respondent and quash the same and consequently thereon direct the respondents not to evict the petitioner from her house situated in Door No.3/95, Survey No. 395, Chokalingapuram, Bodiamanvadi Village, Athur Taluk, Dindigul District.

For Petitioner : Mr.N.Marimuthu
for Mr.A.Chandrakumar

For RR1 to 4 : Mr.M.Sarangan
Additional Government Pleader

W.P.(MD) No.16524 of 2020:

Mokkamayan

... Petitioner



W.P(MD)No.1564 of 2025 batch

WEB COPY

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Divisional Engineer (D-3),
Highways Department,
Dindigul District.
- 3.The Assistant Engineer (D-1),
Highways Department,
Construction and Maintenance,
Aathur Sub Division,
Dindigul District.
- 4.The Tahsildar,
Aathur Taluk, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certioratified Mandamus, to call for the record pertaining to the impugned Notice in Memorandum No.17/2020/EVa.A, dated 04.09.2020 issued by the 3rd respondent and quash the same and consequently thereon direct the respondents not to evict the petitioner from his house situated in Door No.395, Chokalingapuram, Bodiamanvadi Village, Athur Taluk, Dindigul District.

For Petitioner : Mr.N.Marimuthu
for Mr.A.Chandrakumar

For Respondents : Mr.M.Sarangan
Additional Government Pleader



W.P(MD)No.1564 of 2025 batch

W.P.(MD) No.16715 of 2020:

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Bose

... Petitioner

Vs.

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Divisional Engineer (D-3),
Highways Department,
Dindigul District.
- 3.The Assistant Engineer (D-1),
Highways Department,
Construction and Maintenance,
Aathur Sub Division,
Dindigul District.
- 4.The Tahsildar,
Aathur Taluk, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certioratified Mandamus, to call for the record pertaining to the impugned Notice in Memorandum No.17/2020/EVa.A, dated 04.09.2020 issued by the 3rd respondent and quash the same and consequently thereon direct the respondents not to evict the petitioner from his house situated in Survey No. 395, Chokalingapuram, Bodiamanvadi Village, Athur Taluk, Dindigul District.

For Petitioner : Mr.N.Marimuthu
for Mr.A.Chandrakumar



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W.P(MD)No.1564 of 2025 batch

For Respondents : Mr.M.Sarangan
Additional Government Pleader

COMMON ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

1.1. W.P.(MD) No.1564 of 2025 has been instituted seeking removal of encroachments in the State Highways land.

1.2. The other set of writ petitions viz., W.P.(MD) Nos.16401, 16524, and 16715 of 2020 have been instituted challenging the notices issued by the third respondent under Section 28 of the Tamil Nadu Highways Act, 2001.

2. The learned Additional Government Pleader appearing on behalf of the official respondents would submit that survey was conducted and encroachments in the State Highways are identified. The Government considering the indigent circumstances of the encroachers, allotted alternate lands for construction of houses to two persons. In respect of



W.P(MD)No.1564 of 2025 batch

WEB COPY

the others, since they possess land, they are not eligible to avail land patta under the prevailing Government Scheme.

3. The learned counsel for the petitioner in W.P.(MD) No.16715 of 2020 would submit that no notice was issued to the encroachers before passing the impugned notice, which is in violation of the principles of natural justice.

4. As far as the said writ petition *viz.*, W.P.(MD) No.16715 of 2020 is concerned, the impugned notice dated 04.09.2020 may be treated as show cause notice and the petitioner is at liberty to submit his explanation along with documents, if any, within a period of ten days from today (04.06.2025). On receipt of any such explanation, the third respondent-Assistant Engineer, Highways Department shall consider the same and thereafter, pass final orders and remove the encroachments, if any, identified. It is made clear that all encroachments in the Highways are to be removed for the benefit of the public at large and more specifically, for expansion of road projects in the interest of public. The entire exercise is directed to be completed within a period of three months from the date of receipt of a copy of this order.



W.P(MD)No.1564 of 2025 batch

WEB COPY

5. In the result, all the writ petitions stand disposed of, accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.] [A.D.M.C., J.]
04.06.2025

Index:Yes/No
Internet:Yes/No
NCC:Yes/No

abr



W.P(MD)No.1564 of 2025 batch

WEB COPY

To

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Dindigul.
- 2.The Divisional Engineer (D3),
Highways Department,
Dindigul District.
- 3.The Assistant Engineer,
Highways Department,
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Dindigul District.
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Aathur Taluk,
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W.P(MD)No.1564 of 2025 batch

S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

abr

W.P(MD)Nos.1564 of 2025
and
W.P.(MD) Nos.16401, 16524
and 16715 of 2020

04.06.2025