



W.P.(MD)No.3942 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **21.03.2025**

CORAM:

**THE HONOURABLE MR JUSTICE P.B. BALAJI**

W.P.(MD)No.3942 of 2025  
and  
W.M.P.(MD)No. 2860 of 2025

A.P.Rajendran

.... Petitioner

/Vs./

1. The Special District Revenue Officer,  
Competent Authority for Land Acquisition,  
National Highways – 744,  
Virudhunagar District.
2. The Project Director,  
National Highways Authority of India,  
No.395/3-1, M.S.Road,  
Majestic Colony, Near Ayyappan Koil,  
Nagercoil – 629 003.
3. The Special Tahsildhar,  
Land Acquisition, NH-744,  
Srivilliputhur Thaluk,  
Virudhunagar District.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 04.01.2025 and provide him with a



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pathway to access his residential house property in Survey No.106/5A, situated in Attikulam Sengulam Village, Srivilliputhur Taluk, Virudhunagar District.

For Petitioner : M/s.S.Modharshini  
For R1 & R2 : Mr.B.Saravanan,  
Additional Government Pleader  
For R2 : Mr.Su.Srinivasan  
Standing Counsel

### **ORDER**

The petitioner has sought for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 04.01.2025 and provide pathway to access the petitioner's residential house property in Survey No.106/5A, Attikulam Sengulam Village, Srivilliputhur Taluk, Virudhunagar District.

2. I have heard M/s.S.Modharshini, learned counsel appearing for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 1 & 3 and Mr.Su.Srinivasan, learned Standing Counsel appearing for the second respondent.



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3. The grievance of the petitioner is that portion of the petitioner's lands have been acquired for expansion of the National Highways. In the process, the petitioner has lost a portion of valuable property and now, because of the acquisition, there is no proper ingress and egress to the petitioner's property. In these circumstances, the petitioner has sent a representation to the respondents seeking providing proper access to the petitioner's property. The apprehension of the petitioner is that the respondents are also constructing a drainage line adjacent to the service road and by doing so, the petitioner would lose access to his property.

4. Mr.B.Saravanan, learned Additional Government Pleader appearing for the State would submit that there is already an acquisition of a portion of the petitioner's property and the service road has also been laid. Adjoining the service road a drainage line is also been constructed. The portions of the land falling on the other side of the drainage line are also in the process of being acquired. He would further state that the acquisition is only for National Highways and therefore, the issue of providing proper access to the petitioner will have to be addressed only by the National Highways and not by the State.



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5. The learned Standing counsel appearing for the second respondent referred to the letter of the National Highways Authority of India dated 03.02.2025 addressed to the petitioner, where, the second respondent has stated that the petitioner is entitled to use the service road as pathway to access his house and that a down slab will be provided at the approach location of his house, for access.

6. I have also gone through and carefully perused the photographs which have been filed by the parties. The counsels did not dispute the photographs and the locations of the petitioner's residential house. The drainage line is being constructed and the service road has already been laid and is already functional. Admittedly, in view of the drainage line being constructed, the petitioner cannot access his property from the service road. Necessarily, the second respondent will have to make suitable arrangements for enabling the petitioner to reach his property from the service road. It is also brought to my notice that a temporary arrangement has been made by laying mud pathway in a portion in between the drainage line to provide an access to the petitioner's property.



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8. The learned Standing counsel for the second respondent would submit that the arrangement is only temporary and a proper access would be made available by constructing a down slab at a place nearer to the petitioner's property cutting across the drainage line, so that, the petitioner can use the said down slab and also the connecting portion of the lands leading to the petitioner's property from the said down slab.

9. The learned counsel for the petitioner as well as the second respondent would however agree that the down slab will not be right opposite to the petitioner's property since it may lead to a high risk of accidents in future.



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10. In view of the above, it is recorded that the second respondent, at its costs, shall construct a down slab across from the drainage line in a location nearer to the petitioner's property and not opposite to the petitioner's property and connect the down slab, by a pucca Thar road or any other permanent solution feasible to the second respondent so that the petitioner's ingress and egress would be available without any obstructions. It is made clear that the petitioner shall co-operate with the respondents for carrying out and completing the drainage work and the second respondent shall also ensure that the access to the petitioner's property as discussed and agreed herein above, shall be made available within a period of three months from the date of receipt of a copy of this order.

11. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No  
NCC : Yes / No  
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- To
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**P.B. BALAJI, J.**

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Order made in  
W.P.(MD)No.3942 of 2025  
and  
W.M.P.(MD)No. 2860 of 2025

Dated:  
21.03.2025