



W.P(MD)No.4610 of 2025

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 07.08.2025**

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**CORAM:**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.4610 of 2025**

S.Justin Antony

...Petitioner

Vs.

1.The Project Director,  
National Highway Authority of India, (NHAI),  
Represented by its Project Director, NHAI,  
PIU, Nagercoil, Kanyakumari District.

2.The Special District Revenue Officer,  
Land Acquisition,  
National Highways No. 744,  
Virudhunagar District.

3.The Tahsildar,  
Kalkulam Taluk,  
Kanyakumari District.

4.The Special Tahsildar,  
Land Acquisition,  
National Highways - Sargunavithi,  
Nagercoil,  
Kanyakumari District.

5.The Sub Registrar,  
Kalkulam Village,  
Kanyakumari District.

...Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to remove the stream passage made of cement (pre-case concrete drain blocks) laid by the



**W.P(MD)No.4610 of 2025**

1st respondent National Highways Authority of India, PIU, Nagercoil in the petitioner's land in Survey Nos.695/12A and 695/21 at Nulivilai 'A' Village, Kalkulam Taluk, Kanyakumari District, within a reasonable time as may be stipulated by this Court or in alternate acquire the said portion of land (90 square metres) in Survey Nos.695/12A (82 sq.mts) and in 695/21 (8 sq.mts) by paying adequate compensation.

For Petitioner : Mr.K.Ragatheesh Kumar  
For R1 : Mr.Su. Srinivasan  
For R2 to R5 : Mr.S.Shanmugavel  
Additional Government Pleader

### **ORDER**

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to remove the stream passage made of cement (pre-case concrete drain blocks) laid by the 1st respondent National Highways Authority of India, PIU, Nagercoil in the petitioner's land in Survey Nos.695/12A and 695/21 at Nulivilai 'A' Village, Kalkulam Taluk, Kanyakumari District, within a reasonable time as may be stipulated by this Court or in alternate acquire the said portion of land (90 square metres) in Survey Nos.695/12A (82 sq.mts) and in 695/21 (8 sq.mts) by paying adequate compensation.

2.At the time of admission, an interim order was passed, stating that if survey is done in the presence of the writ petitioner, quietus will be given to the



**W.P(MD)No.4610 of 2025**

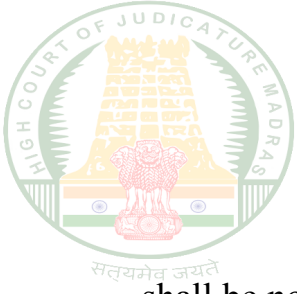
petitioner. Therefore, the Court itself fixed the date of inspection as 18.03.2025.

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3.Now, the learned Counsel appearing for the 1st respondent submitted that notice is not issued to the petitioner for survey, since it is stated in the interim order that no separate notice will be issued to the petitioner.

4.The 3rd respondent has filed a report stating that a portion of the land has been encroached by the National Highways and the National Highways has encroached without any authority and it has not an acquired land. If the National Highways decides that the said portion of land is necessary, they can acquire the land but not by way of encroachment.

5.Therefore, this Court is inclined to allow the writ petition. The 1st respondent is directed to vacate from the place encroached by them within a period of two weeks from the date of receipt of a copy of this order. If the National Highways Department is intended to use the place, the National Highways Department is at liberty to do so, after acquiring the property and the acquisition shall be completed within a period of 8 weeks from the date of receipt of a copy of this order.



**W.P(MD)No.4610 of 2025**

6. With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

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**07.08.2025**

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

Tmg

To

1. The Special District Revenue Officer,  
Land Acquisition,  
National Highways No. 744,  
Virudhunagar District.

2. The Tahsildar,  
Kalkulam Taluk,  
Kanyakumari District.

3. The Special Tahsildar,  
Land Acquisition,  
National Highways - Sargunavithi,  
Nagercoil,  
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4. The Sub Registrar,  
Kalkulam Village,  
Kanyakumari District



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**W.P(MD)No.4610 of 2025**

**S.SRIMATHY, J.**

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**ORDER MADE IN  
W.P(MD)No.4610 of 2025**

**DATED : 07.08.2025**