



W.P(MD)No.6924 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2025

CORAM:

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

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P(MD)No.6924 of 2025

and

W.M.P.(MD) Nos.5212 & 5213 of 2025

1. J.Balamurugan

2. J.Velmurugan

... Petitioners

Vs

1. The Union of India,
Represented by its Secretary to Government,
Ministry of Road Transport and Highways,
New Delhi.

2. The District Collector,
Madurai District.

3. The Project Director,
National Highways Authority of India (NHAI),
Madurai.

4. The Executive Engineer,
Tamil Nadu Agricultural Engineering Department,
Madurai Region, T.P.K.Road,
Madurai - 625 011.



W.P(MD)No.6924 of 2025

5. The District Revenue Officer- Cum -
Project Competent Authority,
Land Acquisition (NHAI),
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned orders of the 3rd respondent dated 24.02.2025 and to quash the same and further directing the respondents to withdraw/drop the petitioners land situated in S.No. 1/14A1 and 3/12A of Vilachery Village, Nagamalai Puthukottai, Madurai District measuring an extent of 22 1/2 cents from the land acquisition proceedings.

For Petitioner : Mr.Niranjan S.Kumar

For Respondent : Mr.P.M.Vishnuvarthanan (R1)

Mr.S.P.Maharajan (R2, R4 & R5)
Special Government Pleader

: Mr.P.Karthick (R3)
Standing Counsel



W.P(MD)No.6924 of 2025

ORDER

WEB COPY

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

The notice for removal of unauthorized occupation issued under Section 26(2) of Control of National Highways (Land and Traffic Act) 2002, dated 24.02.2025 is under challenge in the present writ petition.

2.No writ against the notice for removal of unauthorized occupation is maintainable, unless such notice is issued by the incompetent authority having no jurisdiction or tainted with allegations of *mala fides*.

3.In the present case, admittedly, the subject land was acquired by the National Highways Authority of India. Acquisition proceedings ended in the year 2009. Declaration was made under the Act. Thus, the National Highways Authority of India became the absolute owner of the land. Admittedly, the writ petitioner is the subsequent purchaser of the acquired land in the year 2019. The subsequent purchaser has no right whatsoever to raise dispute relating to acquisition since he is not a party



WEB COPY

to the acquisition proceedings. If at all any fraudulent sale was executed by the vendor of the petitioners, the petitioners have to sue their vendor in the manner known to law. Contrarily, the writ petition against the National Highways Authority of India is not maintainable at all.

4.The writ petitioners have earlier filed a writ appeal in W.A(MD)No.1225 of 2025 challenging the order of the learned Single Judge, dated 12.10.2023 in W.P(MD)No.4085 of 2021 seeking for withdrawal/dropping off all further proceedings. The very same relief has been sought for in the present writ petition. Despite the fact that the first writ petition was dismissed and the writ appeal also was dismissed by the Hon'ble Division Bench of this Court on 08.04.2025 in W.A(MD)No.1525 of 2024, multiplicity of writ proceedings are stalling the welfare activities and in the present case, the National Highways Authority has acquired the land for development of national highways projects. Any prolonged delay would affect the public welfare projects. Therefore, the Courts are expected to exercise restraint in granting interim orders in such matters, where public development activities are involved. That apart, stalling such public projects would result in



WEB COPY

financial loss to the State Exchequer. Even in case such interim orders are granted, such matters are to be disposed of as expeditiously as possible.

5. Article 226 (3) of the Constitution of India enumerates that any application filed for vacation of an interim order, is to be disposed of within a period of two weeks, from the date on which it has been received. Thus, the Constitution mandates that the cases where interim orders are in force and an application has been moved or the matters are listed, at least the said petitions are to be disposed of in the interest of the parties. Contrarily, such interim orders if in force for a longer period, it would result in miscarriage of justice and the party who secured the interim order may abuse the situation or cause prejudice to the opposite party. Therefore, in such matters where public projects have been in progress, the Courts are expected to exercise restraint in granting interim orders. If at all the ground which deserves an interim order, then on appearance of the opposite side the matter ought to be heard and disposed of as mandated under Article 226 (3) of the Constitution of India).



W.P(MD)No.6924 of 2025

WEB COPY

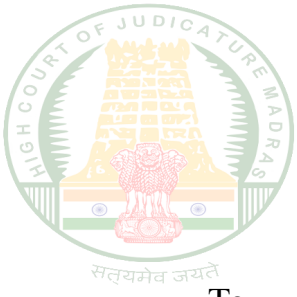
6.In view of the facts and circumstances, the petitioners have not established even a semblance of legal right and the writ against the notice is not maintainable.

7.Thus, the writ petition is devoid of merits and stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[S.M.S., J.] [A.D.M.C., J.]
11.06.2025
(1/2)

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

LR



W.P(MD)No.6924 of 2025

WEB COPY

To

1. The Union of India,
Represented by its Secretary to Government,
Ministry of Road Transport and Highways,
New Delhi.
2. The District Collector,
Madurai District.
3. The Executive Engineer,
Tamil Nadu Agricultural Engineering Department,
Madurai Region, T.P.K.Road,
Madurai - 625 011.
4. The District Revenue Officer- Cum -
Project Competent Authority,
Land Acquisition (NHAI),
Virudhunagar.



WEB COPY



W.P(MD)No.6924 of 2025

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

LR

W.P(MD)No.6924 of 2025

11.06.2025
(1/2)