



W.P(MD)No.7688 of 2025

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**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.7688 of 2025  
and  
W.M.P.(MD) No.5832 of 2025**

L. Ayyachamy

... Petitioner

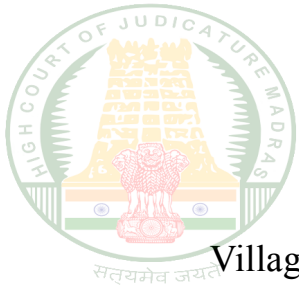
**Vs**

1. The Assistant Divisional Engineer,  
Highways Department,  
Construction and Maintenance,  
Trichy - 20.

2. The Tahsildar,  
Srirangam Taluk,  
Srirangam,  
Trichy District.

... 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 of the impugned order of the 1st respondent in his proceedings Nil dated 11.03.2025 and quash the same and consequently direct the respondents to survey the land in S.No. 135/A2 in Mutharasanallur Village, Srirangam Taluk, Trichy District from the



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Village Survey Stone, after giving notice to all the interested parties and affording opportunity and file report within the time stipulated by this Court.

For Petitioner : Mr.V.Karthikeyan,

For Respondents : Mr.M.Sarangan  
Additional Government Pleader

### **ORDER**

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

The final notice issued by the Assistant Divisional Engineer, Highways Department in proceedings dated 11.03.2025 is under challenge in the present writ proceeding.

2.Perusal of the impugned notice reveals that action for removal of encroachment was initiated pursuant to the directions issued by the High Court vide order, dated 07.11.2023 in W.P(MD)No.17368 of 2019. For the past about six years, the encroachment proceedings are prolonged due to issuance of multiple notices by the authorities which is not otherwise contemplated under the Act and Rules.



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3.The prolonged actions and issuance of several notices by the Department is self evident that there is a likelihood collusion on the part of the authorities with the encroachers. An enquiry by the Chief Engineer must be conducted to ascertain why repeated notices are issued despite the fact that the Act contemplates show cause notice, affording opportunity to the encroacher and on receipt of explanation, a decision is to be taken and final order to be passed and thereafter, enforcement actions are to be taken to remove the encroachments and restore the highways road.

4.The learned Additional Government Pleader would submit that pursuant to interim order passed by this Court, the recent survey was conducted in the presence of the petitioner and he furnished the recent survey map, which would show that the petitioner has encroached the highways road property. Pursuant to the show cause notice provided to the petitioner, a final notice was issued under the Highways Act on 07.01.2025. The petitioner has thereafter submitted a representation on 20.01.2025 again a final notice was issued by the authorities on 07.03.2025, which is under challenge in the present writ proceeding.



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5.The learned Counsel for the petitioner would mainly contend that the petitioner is the holder of the civil Court decree and therefore, it is a patta land. The suit was instituted in O.S.NO.377 of 1979 and decree was passed by the District Munsif Court, Tiruchirappalli on 23.12.1989. The matter went up to second appeal in S.A.No.228 of 1991 preferred by the defendants in the original suit and the High Court dismissed the second appeal on 28.04.2003.

6.Pertinently, the Highways Department or the revenue authorities are not parties to the civil suit instituted. It is a decree in personam and thus cannot have binding effect as far as the Highways Department is concerned. The petitioner cannot rely on the decree for the purpose of sustaining the encroachment made in the highways property.

7.The survey map and the report submitted by the learned Additional Government Pleader shows that highways road encroachments are made by the petitioner and therefore, such encroachments are liable to be removed and highways road is to be



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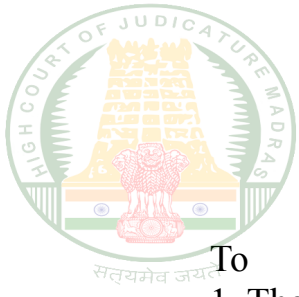
restored for the benefit of the road users and public at large. Since the eviction proceedings are pending for the past about six years, the authorities are bound to act shiftily and remove the encroachments and restore the highways road for road users.

8.For all these reasons, the writ petition is devoid of merits and stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[S.M.S., J.] [A.D.M.C., J.]  
11.06.2025

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

LR



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To

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Trichy - 20.

2. The Tahsildar,  
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