



W.P.(MD)No.8516 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.8516 of 2022

and

W.M.P.(MD)Nos.6246, 6248 of 2022 and 18726 of 2024

Thangamuthammal

... Petitioner

Vs.

1.The Divisional Engineer,
Highways and Rural Works, (Maintenance),
Tirunelveli-627 002, Tirunelveli District.

2.The Assistant Divisional Engineer,
Highways and Rural Works (Maintenance),
Radhapuram, Tirunelveli District.

3.The Junior Engineer,
Highways, Radhapuram,
Tirunelveli District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order in Letter No.68/2022/A1, dated 11.04.2022 served on 13.04.2022 of the 2nd respondent and to quash the same.



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For Petitioner : Ms.E.Mahalakshmi,
for Mr.N.Dilip Kumar
For Respondents : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The reason stated in the impugned order is that the application submitted by the writ petitioner, seeking patta was pending at the time of admission of the Writ Petition.

2.The learned Special Government Pleader appearing for the respondents would submit that the application seeking patta was rejected and the Revenue Divisional Officer concerned / appellate authority has also rejected the appeal, seeking patta.

3.This Writ Petition itself has been instituted, challenging the notice issued by the Assistant Divisional Engineer, Highways Department / 2nd respondent for removal of the encroachment.



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4.The learned Special Government Pleader for the respondents would further submit that the issues are pending from the year 2004 onwards and the authorities competent are struggling to evict the encroachers from the Highways property. On account of non-eviction of the encroachers in the Highways, road projects are stalled.

5.In view of the fact that the application submitted by the petitioner seeking patta was rejected and the Highways authority has also found that the subject property belongs to Highways Department, this Court do not find any infirmity in respect of the notice issued by the 2nd respondent for removal of the encroachment. Thus, the petitioner has not made out any case for the purpose of entertaining this Writ Petition. Therefore, the respondents are at liberty to continue the enforcement action and remove the encroachment in the Highways property by following the procedures as contemplated under the Act within a period of eight (8) weeks from the date of receipt of a copy of this order.



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WEB COPY 6. With the above direction, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**(S.M.S., J.) & (A.D.M.C., J.)
18.07.2025**

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The Divisional Engineer,
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S.M.SUBRAMANIAM, J.

AND

DR.A.D.MARIA CLETE, J.

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