



W.P.(MD) No.6191 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.03.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

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

W.P.(MD)No.6191 of 2019

and

W.M.P.(MD)No.4955 of 2019

P.Venkatachalam (Died)

1.Murugayee

2.V.Kumar

3.V.Radhika

4.V.Kalyani

... Petitioners

(P1 to P4 are impleaded vide Court order dated 12.03.2025 made in W.M.P. (MD)No.3273 of 2025)

-Vs-

Assistant Divisional Engineer,
Highways (Construction and Maintenance),
Krishnarayapuram, Karur District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice issued by the respondent in Form 'C' dated 26.02.2019, quash the same.

For Petitioner : Mr.R.Subramanian

For Respondent : Mr.M.Sarangan,

Additioal Government Pleader



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ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

Challenging the eviction notice issued by the respondent dated 26.02.2019, this Writ Petition is filed.

2.The learned counsel appearing for the petitioner would submit that the petitioner is in possession and enjoyment of the property in S.No.804/2 situated at Varavanai Village more than 85 years, which is classified as natham land. However, during UDR survey, the land in question was wrongly classified as Road. The adjacent lands in S.Nos.801, 802 and 803 alone are road area. Therefore, he made a representation dated 14.02.2019 to the District Revenue Officer, Karur to rectify the said mistake. Since the same had not been considered, he filed W.P.(MD)No.5007 of 2019, which was disposed of by this Court, vide order dated 04.03.2019, directing the District Revenue Officer, Karur to consider the representation of the petitioner. In the meantime, the respondent has issued the impugned eviction notice.

3.The learned Additional Government Pleader appearing for the respondent would fairly submit that the encroachment is in highways area and



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therefore, the authorities have to invoke the provisions under the Highways Act and the respondent does not have any power to issue the eviction notice under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupation) Rules, 1978.

4.In view of the submission made by the learned Additional Government Pleader for the respondent, the impugned eviction notice dated 26.02.2019 is set aside and this Writ Petition is allowed. The Highways authorities are at liberty to issue fresh notice to the petitioner and if there is any encroachment, the same shall be removed, after giving sufficient opportunity of hearing to the petitioner and by following due process of law No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
12.03.2025
(3/4)

NCC : Yes / No
Index : Yes / No

Yuva

To

Assistant Divisional Engineer,
Highways (Construction and Maintenance),
Krishnarayapuram, Karur District.



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