



W.P(MD)No.13989 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.05.2025

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
AND
THE HONOURABLE MR.JUSTICE R. SAKTHIVEL**

**W.P(MD)No.13989 of 2025
and
W.M.P.(MD) No.10145 of 2025**

N.Aananthakumar

... Petitioner

Vs.

- 1.The Assistant Divisional Engineer,
Highways Department (Construction &
Maintenance),
Radhapuram, Tirunelveli District.
- 2.The District Collector,
Tirunelveli District, Tirunelveli.
- 3.The Superintending Engineer,
Highways Department (Construction &
Maintenance), Tirunelveli District.
- 4.The District Revenue Officer,
Having office at Kokkirakulam,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the



W.P(MD)No.13989 of 2025

WEB COPY

respondents not to take any action regarding the suit properties in suit in O.S.No.8/2025 on the file of the Principal District Munsif Court, Radhapuram till the disposal of the above suit.

For Petitioner : Mr.S.Mani
For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

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

The petitioner has filed this writ petition for a mandamus to direct the respondents not to take any action regarding the suit properties in suit in O.S.No.8/2025 on the file of the Principal District Munsif Court, Radhapuram till the disposal of the above suit.

2. The case of the petitioner is that the petitioner is the owner of a large extent of lands in Old Nanguneri – Bharathar Oovari Road (SH-89), Thisayanvilai Village, Tirunelveli District. This road is situate in S.No. 891, in which, a portion of the land was acquired for laying a new Nanguneri – Bharathar Oovari Road, viz., SH-89. The acquired lands were divided into two parts and the same are in north and south sides. A small extent of land is lying between the Old Nanguneri – Bharathar Oovari Road and the major portion of the land, adjacent to the old

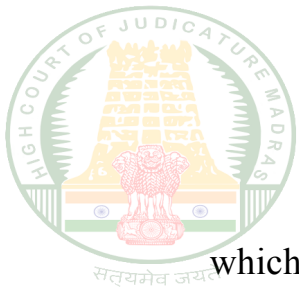


W.P(MD)No.13989 of 2025

WEB COPY

Nangunery road, was acquired for formation of the new road, which the respondents claim that the land belongs to them. They initiated eviction proceedings by issuing show cause notice to the petitioner, against which, the petitioner filed an application before the Superintending Engineer, Highways Department and the said application was dismissed on 30.12.2024 and thereafter, the respondents have taken effective steps by issuing second show cause notice for evicting the petitioner. Aggrieved by the same, the petitioner filed a suit in O.S.No.8 of 2025 on the file of the Principal District Munsif Court, Radhapuram and the same is pending. Pending suit, the respondents issued the eviction notice. Therefore, the present writ petition.

3. The learned counsel for the petitioner would submit that admittedly, the Highways Department acquired the petitioner's land for formation of the new road and they abandoned the old road and adjacent to the old road, the petitioner put up constructions. Further, in order to substantiate his title, the petitioner has approached the civil Court for declaration and permanent injunction and the suit is pending consideration. In the meanwhile, the present eviction notice is issued



W.P(MD)No.13989 of 2025

which is unsustainable. If the land belongs to the Highways Department, then, the bar will operate. However, in the present case, the land belongs to the petitioner. Accordingly, he prayed for appropriate orders.

4. Per contra, the learned Special Government Pleader appearing for the respondents would submit that the petitioner has to establish with regard to the title over the property in respect of S.No.891. The entire survey number as per 'A' register belongs to the Highways Department and the petitioner encroached the property belongs to the Highways Department. Thereby, the respondents issued notice and after conducting enquiry, eviction order was passed and as against the show cause notice the petitioner exhausted the remedy before the Superintending Engineer by way of appeal. Therefore, he prays for dismissal of the writ petition.

5. Heard the learned counsel on either side.

6. The facts of the case are not in dispute. The entire S.No.891 is classified as 'Salai' as per 'A' Register and the said fact is not disputed by the petitioner. The petitioner claims that his land was acquired for formation of road. We are unable to understand as to how the suit is



W.P(MD)No.13989 of 2025

WEB COPY

maintainable before the civil Court in view of the bar contained under Section 63(1) of the State Highways Act and further, the petitioner is not able to obtain any interim order before the civil Court and what the petitioner could not achieve before the civil Court, he is trying to achieve the same before this Court by invoking the writ jurisdiction under Article 226 of the Constitution of India, which is impermissible. Further, the petitioner's application was also rejected by the Superintending Engineer and no document was produced before this Court to substantiate his claim that S.No.891 belongs to him.

7. In view of the above, we are not inclined to grant the relief sought for by the petitioner. Accordingly, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[M.D.I., J.] [R.S.V., J.]
09.05.2025

Index: Yes/No
Internet: Yes/No
NCC: Yes/No
abr/RR



W.P(MD)No.13989 of 2025

WEB COPY
To

- 1.The Assistant Divisional Engineer,
Highways Department (Construction &
Maintenance),
Radhapuram, Tirunelveli District.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Superintending Engineer,
Highways Department (Construction &
Maintenance),
Tirunelveli District.
- 4.The District Revenue Officer,
Having office at Kokkirakulam,
Tirunelveli District,
Tirunelveli.



WEB COPY



W.P(MD)No.13989 of 2025

M.DHANDAPANI, J.

and

R. SAKTHIVEL, J.

abr

W.P(MD)No.13989 of 2025

09.05.2025