



W.P.(MD)No.14748 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.07.2025

CORAM:

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P(MD).No.14748 of 2025

and

W.M.P(MD)No.10999 of 2025

M/s.Kasim Hotels Private Limited,
Rep.by its Managing Director,
M.Kasim,
Laws Ghat Road,
Kodaikanal,
Dindigul District.

... Petitioner

-vs-

The Assistant Divisional Engineer,
State Highways Department,
Law Ghats Road,
Kodaikanal,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari to call for the records relating to the impugned eviction notice of the respondent dated 22.05.2025 and quash the same as illegal.



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For Petitioner : Mr.M.Mahaboob Athiff
For Respondent : Mr.Sarangan
Additional Government Pleader

ORDER

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

The writ on hand has been instituted challenging the show cause notice issued by the Assistant Divisional Engineer, State Highways Department dated 22.05.2025 under Section 28 of the Tamil Nadu Highways Act, 2001.

2. The authorities conducted the survey and identified encroachment in State Highways Property. Thus, notice has been issued. No writ against such show cause notice is maintainable unless it has been issued by any competent authority or tended with the question of *malafide*. However, the learned counsel appearing for the petitioner would submit that similar show cause notice was issued on an earlier occasion and the petitioner co-operated and the encroachment had been removed. Thus, the 2nd notice issued is untenable.



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3. The learned Additional Government Pleader appearing for the respondent would clarify by stating that earlier notice was issued in connection with the S.No.D-3-3 and the said encroachment had already been removed. As far as impugned show cause notice is concerned, it is relating to S.No.C/18/41 measuring to an extent of 183 square metre. Therefore, the present show cause notice is unconnected with the earlier actions initiated for removal of encroachment. If at all the petitioner claims any rights over the subject land, he has to submit his explanation along with the documents if any. In the event of receiving any such explanation, the respondents shall consider the explanation and identify the encroachment if any and thereafter, continue the enforcement action and complete the same by removing the encroachment in the Highways Properties. The said exercise is directed to be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



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and
A.D.MARIA CLETE, J.

rgm

4. With the above observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) (A.D.M.C., J.)

07.07.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

To

The Assistant Divisional Engineer,
State Highways Department,
Law Ghats Road,
Kodaikanal,
Dindigul District.

W.P(MD).No.14748 of 2025
and
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