

W.P(MD)Nos.16292 of 2025
and 11740 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)Nos.16292 of 2025
and 11740 of 2023**

and

W.M.P.(MD) Nos.10176, 10178 and 15000 of 2023

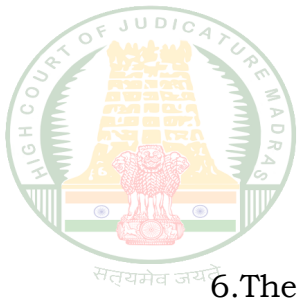
W.P.(MD) No.16292 of 2025:

P.Perumal

... Petitioner

Vs.

- 1.The District Collector/Monitoring Committee,
District Collector Office,
Dindigul.
- 2.The Tahsildar,
Tahsildar Office,
Dindigul.
- 3.The Block Development Officer,
Block Development Office,
Gujiliamparai Taluk, Dindigul.
- 4.The Assistant Executive Engineer,
National Highways Department,
Vadamadurai.
- 5.The Assistant Divisional Engineer,
Highways Department,
Vedasandur.



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6.The Assistant Electrical Engineer,
Eriodu Electricity Board Office,
Vedasandur.

7.Kalimuthu

... 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 respondents herein to remove the encroachment made in the said land comprised in S.No.297, Nagayakkottai Village, Gujiliamparai Taluk, Dindigul District by considering the petitioner's representation dated 22.05.2025 within the time that may be stipulated by this Court.

For Petitioner : Mr.S.Harish

For RR1 to 6 : Mr.M.Sarangan
Additional Government Pleader

For R7 : Mr.S.Lenin Prabu

W.P.(MD) No.11740 of 2025:

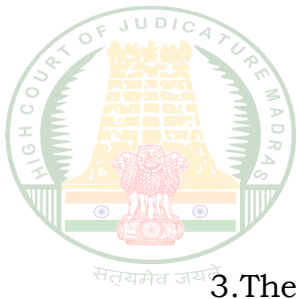
S.Kalimuthu

... Petitioner

Vs.

1.The Secretary,
O/o. The Secretary,
Highway Department,
Secretariat, Chennai-9.

2.The Chief Engineer,
O/o. The Chief Engineer,
Highway Department
(Construction and Maintenance),
Chennai-5.



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3.The Divisional Engineer,
O/o. The Divisional Engineer,
Highway Department, Palani,
Dindigul District-624 601.

4.The Assistant Divisional Engineer,
O/o. The Assistant Divisional Engineer,
Highway Department
(Construction and Maintenance),
Palani, Dindigul District-624 601.

5.The Tasildar,
O/o. The Tasildar,
Guziliamparai Taluk,
Dindigul District-624 703.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Memo No. 02/Encroachment/2023/UOO, dated 10.04.2023 cum impugned Demand Notice dated 11.04.2023 on the file of the Respondent No.4 and quash the same as illegal and consequently forbear the respondents from interfering, dispossessing and demolishing the petitioner's house bearing Door No.5/147 and located in S.No.297, situated at Valluvar Nagar, Nagaiyankottai Village, Guziliamparai Taluk, Dindigul District-624 706.

For Petitioner : Mr.S.Lenin Prabu

For Respondents : Mr.M.Sarangan
Additional Government Pleader



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COMMON ORDER

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

W.P.(MD) No.11740 of 2023 has been instituted challenging the eviction notice dated 10.04.2023 cum demand notice dated 11.04.2023.

2. Initially, a notice was issued by the fourth respondent *viz.*, the Assistant Divisional Engineer, Highways Department *vide* proceedings dated 10.04.2023. However, the fourth respondent himself found that the said notice was not in accordance with the provisions of the Act. Thus, a revised show cause notice was issued by the fourth respondent *vide* notice dated 11.04.2023. The said notice was issued under Section 28(2)(ii) of the Tamil Nadu Highways Act, 2001 (hereinafter referred to as “the Act”). The petitioner, instead of submitting his explanation, filed W.P.(MD) No.11740 of 2023.

3. No writ petition against a notice issued under the Tamil Nadu Highways Act is entertainable, unless it is issued without jurisdiction or tainted with allegations of mala fides. In the present case, the fourth respondent himself identified the encroachment and issued the revised notice.



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4. That apart, one Perumal has filed another writ petition in W.P.(MD) No.16292 of 2025 seeking removal of encroachments.

5. Since notice has already been issued under Section 28 of the Act, the petitioner in both the writ petitions are at liberty to submit their explanation along with documents, if any, to the competent authority within a period of ten days from today. In the event of receiving any such explanation, the same shall be considered by the competent authorities and thereafter, a final notice should be issued under the Act and the encroachments identified, if any, are directed to be removed within a period of eight weeks thereafter.

6. With the above directions, these Writ Petitions stand disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

J.]

[S.M.S., J.]

[A.D.M.C.,

28.07.2025

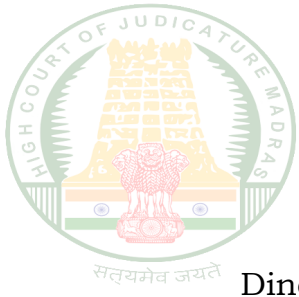
Index:Yes/No
Internet:Yes/No
NCC:Yes/No



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- 1.The District Collector/Monitoring Committee,
District Collector Office,
Dindigul.
- 2.The Tahsildar,
Tahsildar Office,
Dindigul.
- 3.The Block Development Officer,
Block Development Office,
Gujiliamparai Taluk, Dindigul.
- 4.The Assistant Executive Engineer,
National Highways Department,
Vadamadurai.
- 5.The Assistant Divisional Engineer,
Highways Department,
Vedasandur.
- 6.The Assistant Electrical Engineer,
Eriodu Electricity Board Office,
Vedasandur.
- 7.The Secretary,
O/o. The Secretary,
Highway Department,
Secretariat, Chennai-9.
- 8.The Chief Engineer,
O/o. The Chief Engineer,
Highway Department
(Construction and Maintenance),
Chennai-5.
- 9.The Divisional Engineer,
O/o. The Divisional Engineer,
Highway Department, Palani,



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- Dindigul District-624 601.
- 10.The Assistant Divisional Engineer,
O/o. The Assistant Divisional Engineer,
Highway Department
(Construction and Maintenance),
Palani, Dindigul District-624 601.
- 11.The Tasildar,
O/o. The Tasildar,
Guziliamparai Taluk,
Dindigul District-624 703.



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S.M.SUBRAMANIAM, J.
and
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