



W.P(MD)No.18496 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM:

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

**W.P(MD)No.18496 of 2024
and
W.M.P(MD)No.15721 of 2024**

M.Puthisigamani

... Petitioner

vs.

**1.The Assistant Divisional Engineer (Highways),
Construction & Maintenance,
Madurai West,
Madurai.**

**2.The Tahsildar,
Madurai East Taluk,
Madurai.**

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records on the file of the first respondent pertaining to its proceedings bearing Tha.Ki.Thu.No.1/2024/ (ODR)/EVAA dated 15.07.2024 and to quash the same.



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For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

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

The writ on hand has been instituted challenging the notice issued by the first respondent/the Assistant Divisional Engineer (State Highways) in proceedings dated 15.07.2024 under Section 28 of the Tamil Nadu Highways Act, 2001.

2.The State Highways authorities identified encroachments in the Highways property and consequently issued a notice under Section 28 of the Tamil Nadu Highways Act, 2001. The petitioner has not responded to the notice but challenged the same in the present Writ Petition.

3.No writ against a statutory notice issued for the removal of encroachments in the Highways property is entertainable unless such notice has been issued by an incompetent authority.



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4.In the present case, the Assistant Divisional Engineer, by invoking Section 28 of the Tamil Nadu Highways Act 2001, issued the notice. Therefore, the petitioner is expected to submit his explanation/defence statement, if any, along with the necessary documents to the respondents for the purpose of taking a final decision.

5.It is needless to state that encroachments in the Highways are to be removed in the public interest, since such encroachments would result in accidents and would cause inconvenience to the general public and road users.

6.In view of the facts and circumstances of the case, the petitioner is at liberty to submit his explanation/defence statement within a period of ten (10) days from today. On receipt of any such explanation, the respondents shall consider the same and take a final decision and thereafter proceed to remove the encroachments in the Highways property. The enforcement actions are to be completed within a period of eight (8) weeks thereafter.



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7.With the above observations, this Writ Petition stands dismissed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S.,J.] & [A.D.M.C.,J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes

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DR.A.D.MARIA CLETE, J.

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ORDER MADE IN
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