



WEB COPY

W.P.(MD) No.26231 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2025

CORAM:

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

W.P.(MD) No.26231 of 2019

Jeyaraj

... Petitioner

-VS-

1.The District Collector
Theni District, Theni

2.The Assistant Divisional Engineer
State Highways Department
Theni Division, Theni

3.The Assistant Engineer
State Highways Department
Construction and Maintenance
Bodinaickanur, Theni District

4.Poongundran

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the 1 to 3 respondents to remove encroachment made by the 4th Respondent in Thirumalapuram to Meenakshipuram state highway road in front of his school at B.Meenakshipuram, Bodinaickanur,



W.P.(MD) No.26231 of 2019

WEB COPY

Theni District.

For Petitioner : Ms.R.Muthulakshmi
for Mr.K.Navaneetharaja

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R3
Mr.F.X.Eugene for R4

ORDER

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

The writ on hand has been instituted seeking a direction to the respondents 1 to 3 to remove the encroachment made by the fourth respondent in Thirumalapuram to Meenakshipuram State Highway Road in front of his school at B.Meenakshipuram, Bodinaickanur, Theni District.

2. Today, when the matter is taken up for consideration, it is brought to the notice of this Court that by an order dated 11.12.2024, in W.P. (MD) No.27006 of 2019, this Court dealt with an identical issue and disposed of the matter with certain directions and to that effect, a copy of the said order has been placed before this Court.

3. This Court perused the order dated 11.12.2024 in W.P.(MD) No.



W.P.(MD) No.26231 of 2019

WEB COPY

27006 of 2019 and finds that the very same issue has already been dealt with by this Court and the same has been disposed of with certain directions. At this juncture, it would be relevant to extract the said order. Accordingly, the said order is extracted hereunder:

The writ petition has been filed to forbear the respondents 3, 4 and 5 without giving any prior notice to the petitioner in taking measurements and locating the Arulmighu Sundara Anjaneyar Temple Near Meenatchipuram-Thirumalapuram State highway Road, in Bodi Meenatchipuram, in Bodinaickanur Taluk in Theni District, as contemplated in the Tamil Nadu Highways Act 2001, and other concerned Acts of the Tamil Nadu State, in the light of the Full Bench Judgement of this Court reported in 2005(2) CTC Page 741.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for the official respondents.

3. The only apprehension of the petitioner is that the official respondents herein would resort to removing the construction, without following the due procedure contemplated under the Land Encroachment Act, 1971.

4. The learned Government Pleader submits that in case there is any encroachment in the subject lands,



WEB COPY

W.P.(MD) No.26231 of 2019

the same shall be removed, after following the due procedures provided under the Tamil Nadu Land Encroachment Act, 1971. In the light of such a submission, no further orders are required to be passed in this writ petition.

5. Accordingly, the writ petition stands closed. No costs. Consequently connected Miscellaneous Petition is closed.

4. In view of the above, this writ petition is disposed on the same lines of the order dated 11.12.2024 in W.P.(MD) No.27006 of 2019 . No costs.

[S.M.S., J.]

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

07.07.2025

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

krk

To:

1.The District Collector,
Theni District,
Theni.

Page 4 of 6



W.P.(MD) No.26231 of 2019

WEB COPY

- 2.The Assistant Divisional Engineer,
State Highways Department,
Theni Division, Theni.
- 3.The Assistant Engineer,
State Highways Department,
Construction and Maintenance,
Bodinaickanur,
Theni District.



WEB COPY



W.P.(MD) No.26231 of 2019

S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

krk

W.P.(MD) No.26231 of 2019

07.07.2025