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W.P.(MD) Nos.27146 & 27906 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.P.(MD) Nos.27146 & 27906 of 2025
and
W.M.P.(MD) Nos.21079 & 21679 of 2025**

W.P.(MD) No.27146 of 2025:

N.Sathiya Jothi

... Petitioner

-VS-

1.The Divisional Engineer
National Highways Wing
Highways Department of
Government of Tamil Nadu
Trichy

2.The Assistant Engineer
O/o.The Divisional Engineer
National Highways
Highways Department of
Government of Tamil Nadu
Trichy

... Respondents



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W.P.(MD) Nos.27146 & 27906 of 2025

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned notices issued by the first respondent in Lr.No.12/Encroachment/NH336/A2/2025, dated 22.04.2025 and in Lr.No.12/Encroachment/NH336/A2/2025, dated 12.09.2025, quash the same.

For Petitioner : Mr.P.Vinoth

For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader

W.P.(MD) No.27906 of 2025:

M.Abdullah

... Petitioner

-vs-

1.The Divisional Engineer
National Highways Wing
Highways Department of
Government of Tamil Nadu
Trichy

2.The Assistant Engineer
O/o.The Divisional Engineer
National Highways
Highways Department of
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W.P.(MD) Nos.27146 & 27906 of 2025

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned notices issued by the first respondent in Lr.No.12/Encroachment/NH336/A2/2025, dated 22.04.2025 and in Lr.No.12/Encroachment/NH336/A2/2025, dated 12.09.2025, quash the same.

For Petitioner : Mr.P.Vinoth

For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader

C O M M O N O R D E R

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

Learned Additional Government Pleader appearing for the respondents produced a copy of the order dated 30.05.2024, passed by the Ministry of Road, Transport and Highways, Government of India, wherein, it is stated that the Divisional Engineers of the Public Works Department shall exercise the powers and functions of the Highways Administration conferred under Sections 24, 26, 27, 30, 33, 36, 37 and 43 of the Control of National



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Highways (Land and Traffic) Act, 2002, in respect of their territorial jurisdiction.

2. From the impugned proceedings dated 22.04.2025 and 12.09.2025, we find that the same have been issued by the Divisional Engineer, National Highways Wing, Highways Department of Government of Tamil Nadu, Trichy, in exercise of the power conferred under Section 26(2) of the Control of National Highways (Land and Traffic) Act, 2002.

3. Since the order of the Government of India dated 30.05.2024 has now clarified that any action in exercise of the power conferred under Section 26 of the Control of National Highways (Land and Traffic) Act, 2002 shall be taken only by the Divisional Engineer, Public Works Department and not by the Highways Department, the impugned orders are to be quashed.

4. Accordingly, these writ petitions are allowed and the impugned proceedings dated 22.04.2025 and 12.09.2025, issued by the first respondent, are hereby quashed. However, the Divisional Engineer, Public Works Department, shall take necessary action, if required, and this order shall not



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stand in the way of the Divisional Engineer, Public Works Department, exercising his power under Section 26 of the Control of National Highways (Land and Traffic) Act, 2002. No costs. Consequently, connected miscellaneous petitions are closed.

[G.J., J.] [K.K.R.K., J.]

17.12.2025

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

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To:

- 1.The Divisional Engineer,
National Highways Wing,
Highways Department of
Government of Tamil Nadu,
Trichy.
- 2.The Assistant Engineer ,
O/o.The Divisional Engineer ,
National Highways,
Highways Department of
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DR.G.JAYACHANDRAN, J.
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