



W.P.(MD)No.31216 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.31216 of 2025
and W.M.P(MD)No.24440 of 2025

Mariappan

... Petitioner

Vs.

1.The Divisional Engineer,
State Highways Department,
Construction and Maintenance,
Tiruchirappalli - 620 020.

2.The Assistant Divisional Engineer,
State Highways Department,
Construction and Maintenance,
Tiruchirappalli - 620 020.

3.M.Renuga Devi

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the final notice issued by the second respondent dated 27.10.2025 and quash the same.



W.P.(MD)No.31216 of 2025

For Petitioner : Mr.C.Vakeeswaran

For Respondents : Mr.D.Sadiq Raja (R1 & R2)
Additional Government Pleader

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

Mr.D.Sadiq Raja, learned Additional Government Pleader, accepts notice for R1 and R2 and he is armed with necessary instructions to assist the Court. We are, therefore, in a position to dispose the Writ Petition even at the stage of admission.

2.Challenge in this Writ Petition is to the proceedings dated 27.10.2025 issued under Section 28(2)(ii) of the Tamil Nadu National Highways Act, 2001. By the said proceedings, being a final notice, the petitioner has been directed to remove the encroachment on the State Highways Road (Chennai – Trichy – Dindigul) (SHU-9) (Highways/Highways in question) within one week from the date of the notice.

3.Earlier W.P(MD)No.36 of 2025 had come to be filed by one Renuga Devi, who is arrayed as R3 in this Writ Petition. Her prayer was



W.P.(MD)No.31216 of 2025

for a Mandamus directing the authorities to remove the encroachments made by the private respondents in that Writ Petition, in which, the present petitioner was arrayed as R5. The said Writ Petition came to be disposed on 06.01.2025, directing the official respondents to consider Renuka Devi's representation dated 06.03.2024 and to dispose the same after hearing her and the private respondents. The proceedings for removal of encroachment appear to have been commenced thereafter.

4. When we posed a query as to whether the Highway in question had been surveyed, Mr. Sadiq Raja, learned Additional Government Pleader, on instructions, states that a survey has been conducted in the presence of the petitioner and that the survey report is available. A copy of the same will be made available to the petitioner forthwith.

5. Mr. Sadiq Raja, learned Additional Government Pleader is fair enough to say that the impugned order does not appear to have taken note of the response of the petitioner dated 24.05.2025, a copy of which has been produced as part of the record.



W.P.(MD)No.31216 of 2025

WEB COPY

6.It also appears that no personal hearing was afforded to the petitioner prior to the passing of the impugned order. Hence, the official respondents are directed to treat the impugned order dated 27.10.2025 as a show cause notice.

7.The following directions shall be followed:

(i) The survey report shall be furnished to the petitioner within 24 hours from today.

(ii) The petitioner may file additional reply, if he so desires within one week thereafter.

(iii) The petitioner shall be heard within a week thereafter and an order shall be passed within one week from the date of such personal hearing, under the relevant provisions of the Tamil Nadu Highways Act, 2001, in accordance with law.

(iv) The entirety of the exercise shall not exceed four weeks from today.



W.P.(MD)No.31216 of 2025

8.This Writ Petition is disposed. No costs. Connected

Miscellaneous Petition is closed.

[A.S.M.J.] & [C.K.J.]
06.11.2025

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

To

- 1.The Divisional Engineer,
State Highways Department,
Construction and Maintenance,
Tiruchirappalli - 620 020.
- 2.The Assistant Divisional Engineer,
State Highways Department,
Construction and Maintenance,
Tiruchirappalli - 620 020.



WEB COPY



W.P.(MD)No.31216 of 2025

DR.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

ps

W.P.(MD)No.31216 of 2025

06.11.2025