



W.P.(MD)No.32534 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2025

CORAM:

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

W.P.(MD)No.32534 of 2025
& WMP(MD)No.25617 & 25618 of 2025

Bala Sarawathi

... Petitioner

/Vs./

1. The Divisional Engineer,
National Highways,
Madurai.
2. The Tahsildar,
Andipatti,
Theni District.
3. The Executive Officer,
Andipatti Town Panchayat,
Theni District.

... Respondents

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned notice of the 1st respondent issued under



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Schedule III of Highways Administration Rules, 2004 dated 12.09.2025 and quash the same as illegal and for a consequential direction to 1st respondent to pass appropriate orders in terms of Rule 26 of The Control of National Highways (Land and Traffic) Act, 2002 after giving opportunity to the petitioner with the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.J.Ashok (R1 & R2)

Additional Government Pleader

Mr.S.P.Maharajan (R3)

Special Government Pleader

ORDER

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

Both Mr.M.Jerin Mathew, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for R1 & R2 and Mr.S.P.Maharajan, learned Special Government Pleader for R3 state that identical cause of action has been considered by earlier Bench of this Court in WP(MD)No.27545 to 27550 of 2025 and the order dated 03.10.2025 reads as follows:-



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'These Writ Petitions have been filed seeking to quash the impugned notices dated 12.09.2025 issued under section 26 (2) of the National Highways (Land and Traffic) Act 2002, by the first respondent / the Divisional Engineer, National Highways Department, Madurai.

2.Learned Counsel for the petitioners would submit that the petitioners are in occupation of the lands which belong to them as per the settlement deeds and sale deeds and it is the contention of the petitioners that the lands never vest with the Central Government or Highways Department. However, inadvertently, they issued notice under Section 26 (2) of the National Highways (Land and Traffic) Act, 2002 as against which, the petitioners have preferred objection under Section 26 (3) of the Act. However, the same was not considered. Hence, the present Writ Petitions have been filed.

3. However, the learned Counsel for the petitioners would submit that the petitioners would be satisfied if the petitioners are permitted to canvass their points under Section 26(3) of the Act before the authority concerned.

4. In view of the limited relief sought for in this Writ Petition, this Court without expressing any opinion on the merits of the matter, disposes of these Writ Petition, permitting the petitioner to canvass all the points before the authority concerned, who shall thereafter pass appropriate orders, in accordance with law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.'

2. Since the parties are agreed that the cause of action is one and the same, in the present case as well, the proceedings will be continued afresh, after hearing the petitioner, pursuant to re-survey,



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which is presently stated to be under process.

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3. This writ petition is disposed directing the authorities to pass orders in all similar matters, within a period of twelve weeks from today. No costs. Connected miscellaneous petitions are closed.

[A.S.M.J.] & [C.K.J.]
14.11.2025

NCC :Yes/No
Index :Yes/No
sm



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WEB CODE: TO:-

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2. The Tahsildar,
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Theni District.
3. The Executive Officer,
Andipatti Town Panchayat,
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DR.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

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Order made in
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Dated:
14.11.2025