



WEB COPY

WP No. 3133 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-02-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**WP No. 3133 of 2026
and
WMP.No.3519 of 2026**

P.Aadhilakshmi

..Petitioner(s)

Vs

1. The District Collector,
Kanchipuram District,
Kanchipuram-631 501.
2. The Tahsildar, Kunrathur Taluk
Kunrathur, Chennai-600 069.
3. The Assistant Divisional Engineer
(State Highways)
Tambaram Division, Chennai-600 042

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of certiorarified mandamus, calling for records of the 3rd respondent in Letter bearing No.324/ Aakiramippu/ 2025 / E.Ni.U dated 07.01.2026 to vacate the petitioner from petition premises within 14 days from the date of said order and to quash the same.



For Petitioner(s):

Mr.V.Seshachari

For Respondent(s):

Mr.T.Arun Kumar

Additional Government Pleader for R1 to R3

ORDER**(Order of the Court was made by C.Kumarappan J.)**

The present Writ Petition has been filed assailing the order of the Assistant Executive Engineer dated 07.01.2026. On perusal of such notice, it is seen that the notice was issued under Section 28 of the Tamil Nadu Highways Act, 2001. It is settled principle of law that no writ is maintainable against the issuance of notice unless such issuance of notice is by an incompetent authority.

2. In this case, it is not the case of the petitioner that the notice was issued by an incompetent authority. Therefore, we deem it appropriate to give liberty to the petitioner to reply to the authority concerned. However, the learned counsel for the petitioner submit that the petitioner has already given explanation on 10.01.2026.

3. In view of the above fact, the Authorities are directed to consider the above reply and thereafter, take a decision in accordance with law. If any encroachments are identified then, all encroachments on Highway properties are to be removed and enforcement actions to be continued.



4. This Writ Petition stands dismissed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (C.K.,J.)
03-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KKN

To

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**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

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