



WEB COPY

WP No. 11537 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.P. No. 11537 of 2026

and W.M.P.No.12583 of 2026

P.Rajasekar
S/o.MR.Perumal,
No.14, Palla Street, Karaimaan Nagar, Kundrathur
Village, Chennai - 600 069.

..Petitioner(s)

Vs

The Assistant Divisional Engineer
Highways Department,
Tambaram Division,
Tambaram, Tamilnadu.

..Respondent(s)

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the respondent in notice bearing number 11/Encroachment/2026/INU/dated 05.03.2026 and quash the same as without jurisdiction, unlawful, arbitrary and unconstitutional and consequently forebear the respondent from interfering with the petitioners peaceful possession and enjoyment of petitioners property land and building comprised in natham survey No.16/7, measuring 714 Sqft, together with partly RCC and ACC



structure situated at No.14 Palla Street, Karaimaan Nagar, Kundrathur Village, Sriperumbadur Taluk, presently Kundrathur Taluk, Kanchipuram District, without following the procedure envisaged under law.

For Petitioner(s): Mr. P.Vasanth

For Respondent(s): Mr.D.Ravichander
Special Government Pleader

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The notice issued under Section 28 of the Tamil Nadu Highways Act, 2001, dated 05.03.2026, is under challenge in the present Writ Petition.

2. Admittedly, the petitioner has submitted his explanation on 06.03.2026. The grievance of the petitioner is that, before taking a final decision, the authority is attempting to evict the petitioner. It is needless to state that the procedures contemplated under Section 28 of the Highways Act must be scrupulously followed by the authority for the removal of encroachments on highways.

3. Proviso to Section 28(2)(ii) of the Tamil Nadu Highways Act, 2001, mandates that any representation received within the prescribed time limit shall be considered by the authority or the officer concerned before passing



final orders. Thus, the competent authority has to pass the final orders before initiating any enforcement action for the removal of encroachments.

WEB COPY

4. In the present case, the petitioner has already submitted the representation. Thus, the respondents are directed to consider the same and pass final orders, and thereafter proceed with enforcement action, if any encroachment is identified on the highway property.

5. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.S.,J.) (K.S.,J.)
26-03-2026

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No

Asi

To

The Assistant Divisional Engineer
Highways Department,
Tambaram Division,
Tambaram, Tamilnadu.



WEB COPY

WP No. 11537 of 2



S.M.SUBRAMANIAM, J.

AND

K.SURENDER, J.

Asi

**W.P. No. 11537 of 2026
and W.M.P.No.12583 of 2026**

26-03-2026

Page4 of 4