



WEB COPY

WP No. 13566 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K.SURENDER

W.P.No.13566 of 2023 AND

W.M.P.NO.13241 OF 2023

C.Jothi

..Petitioner

Vs

1. National Highways Authority of India
Rep. by its Project Director,
PIU- Chennai No.DP- 34, Sri Towers South
Phase, 3rd Floor, SP Industrial Estate,
Guindy, Chennai- 600 032.
2. The project Officer
National Highways Authority of India, PIU-
Kancheepuram, No.7/16, Govindarajan
Street, Tambaram West, Chennai- 600
045.
3. Thiruverkadu Municipality
Rep by its President,Thiruverkadu,
Thiruvallur District.
4. B.Saravanan
5. The Divisional Engineer (NH)
Koyambedu,
Chennai-600 010.

..Respondent(s)

(R5 suo – motu impleaded by this Court)

Prayer: Directing the 2nd Respondent to initiate action against the 4th Respondent under Section 26 of the control of National Highways (Land and Traffic) Act, 2002 to remove the encroachment made by the 4th



respondent in terms of the communication issued in NHAI / 14033 / 1.A / 2009 / PIU -chennai / 1269 dated 08.07.2022 by the 1st Respondent.

For Petitioner: Mr.M.Ilansezhiyan

For Respondent(s): Mr.Su.Srinivasan,
Standing Counsel for R1 & R2
Mr.P.Srinivas, Standing Counsel for R3
R4 – No Appearance
Mr.T.Arun Kumar, AGP for R5

ORDER

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

Writ of Mandamus has been instituted, seeking a direction to the 2nd respondent to initiate action against the 4th Respondent under Section 26 of the Control of National Highways (Land and Traffic) Act, 2002 to remove the encroachment made by the 4th respondent in terms of the communication issued in NHAI/14033/1.A / 2009/PIU-Chennai / 1269 dated 08.07.2022 by the 1st Respondent.

2. The 5th respondent is suo motu impleaded as party to the lis. Learned Additional Government Pleader takes notice for the 5th respondent.

3. Learned counsel for the petitioner would submit that encroachment in National Highways Road is causing obstruction to free flow of traffic and road users. Thus, a complaint has been lodged before the competent authority. Since no action has been initiated, the present writ petition has been instituted.



4. It is needless to state that under the provisions of National Highways Act, Authorities are bound to be vigilant in safeguarding National Highways Roads, which should be kept free from encroachments and usage of public. Photographs enclosed along with the writ proceedings would show that encroachments are made in the Highways property and footpath.

5. In view of the above allegations set out in the affidavit, respondents 1, 2 and 5 are directed to inspect, survey and identify encroachments, if any and thereafter, initiate enforcement action to remove all encroachments, by following procedures as contemplated under the relevant Statute and Rules in force. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

With the above observations and directions, the present Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

(S.M.S.,J.) (K.S.,J.)
16-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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WP No. 13566 of 2



S.M.SUBRAMANIAM,J.
AND
K.SURENDER,J.
AR

To:

1. The Project Direction,
National Highways Authority of India
PIU- Chennai, No.DP- 34, Sri Towers South Phase,
3rd Floor, SP Industrial Estate, Guindy,
Chennai- 600 032.
2. The project Officer
National Highways Authority of India,
PIU- Kancheepuram, No.7/16,
Govindarajan Street, Tambaram West,
Chennai- 600 045.
3. The President,
Thiruverkadu Municipality
Thiruverkadu, Thiruvallur District.
4. The Divisional Engineer (NH)
Koyambedu,
Chennai-600 010.

W.P.No.13566 of 2023

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