



WEB COPY

WP No. 20704 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MRS.JUSTICE N. MALA

WP No. 20704 of 2026

AND

WMP NO. 22308 OF 2026

R. Andhridoss
S/o. Royappa,
No.3, Govindarajulu Street,
Sridevi Nagar,
Kamaraj Nagar,
Avadi,
Chennai - 600071.

..Petitioner(s)

Vs

The Asst. Divisional Engineer (Ne),
Office of the Asst. Divisional Engineer,
Chennai Metropolitan Development Scheme,
Sub Division No.6,
Chennai - 600015.

..Respondent(s)

Calling for the records pursuant to the notice of the respondent in notice no.1/20/8/Avadi/2026/vu.ko.po.6/dated 18.05.2026 of Asst. Divisional Engineer, Highways, Chennai Metropolitan Development Scheme, Sub Division-6, Chennai - 15 and quashing the same as unconstitutional, infringement on property rights and violation of natural justice

For Petitioner(s): Mr.P.S. Seetharman

For Respondent(s): Mr. B.Sivakollapan,
Government Advocate



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Order

(Order of the Court was made by Dr.G.Jayachandran J.)

The petitioner herein is in occupation of premises bearing Door No.185, N.M.Road measuring an extent of 400 Sq.ft. consisting of two floors. He claims that he has purchased the property under a Sale Deed dated 01.08.2014 from one Mr.Amar Chand Jain. However, the Divisional Engineer, Highways Department, on survey of the field has found that the writ petitioner has encroached upon the highways land and put up construction. Therefore, a notice dated 18.05.2026 was served on him to remove the encroached portion or else the encroachment will be removed at his cost. Being aggrieved, the present writ petition has been filed challenging the impugned notice of the Highways Department stating that being the lawful owner of the property the petitioner cannot be directed to remove a construction which has been in his possession and enjoyment for more than ten years.

2. The learned counsel for the petitioner also relies upon the electrical service connection given by the TANGEDCO and the property tax assessed by the Avadi Municipality.

3. Providing electricity connection for the building cannot give a right



for the encroachers to squat on the public property and it is very common for land owners to encroach upon the highways land adjacent to their property causing hindrance to the public and also obstructing the road expansion projects. This is one such case where the petitioner herein who has encroached upon the road margin land which belongs to highways department is before us seeking writ of certiorari to quash the eviction notice dated 18.05.2026.

4. The learned Special Government Pleader submits that public utility project involves road widening work is actively in progress within the village Segment (Mount Road - Poonamalle - Avadi Road) from Km 20/3 to Km 20/8 of Mount Poonamalle Avadi Road. The petitioner is in unauthorised occupation of the highways land and therefore, after survey the encroached portion has been identified and marked for removal.

5. Before taking coercive steps, an eviction notice issued for the petitioner himself to remove the encroached portion, which is now been used by the petitioner for commercial purpose. On considering the submissions made by the learned Government Pleader and the submissions made by the learned counsel for the petitioner our only concern is the highways department should properly identify the encroached portion and evict it. For that purpose, it should take the aid and assistance of the surveyor before removing the encroached portion and only after receipt of the report from the Survey department



regarding the encroached portion, eviction action should be taken.

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6. With the above observation, this writ petition stands disposed of.

Consequently, the connected miscellaneous petition is closed.

(G.J.,J.) (N.M.,J.)
04-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RKA

To

The Asst. Divisional Engineer (Ne),
Office of the Asst. Divisional Engineer,
Chennai Metropolitan Development Scheme,
Sub Division No.6,
Chennai - 600015.



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**DR.G.JAYACHANDRAN J.
AND
N.MALA J.**

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