



WEB COPY

W.P. Nos.21879, 22123 and 22139 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

and

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P. Nos.21879, 22123 and 22139 of 2021

and

W.M.P. Nos.23075, 23375, 23073, 23347 of 2021 and 4542 of 2022

1.S.V.Gopal (Deceased)
S/o.Late.S.M.Venguttusamy,
143, Athani Road, Opp. L.I.C.,
Sathiyamangalam, Erode-638 401.

2.Vijaya,
W/o. Late S.V.Gopal

3.Boopathi,
S/o. Late S.V.Gopal

4.Mohan,
S/o. Late S.V.Gopal

5.Veerasamy,
S/o. Late S.V.Gopal

6.Valarmathi,
D/o. Late S.V.Gopal

(P2 to P6 are substituted as LR's of deceased sole petitioner vide order dated 06.01.2026 made in W.M.P. No.4542 of 2022 in W.P.No.21879 of 2021 by SMSJ, CKJ)

Petitioner(s) in W.P. No.21879 of 2021

1.Jyothimani
Wife of Late Joseph,
152, Athani Road,



W.P. Nos.21879, 22123 and 22139 of 2021

Opposite L.I.C.,
Sathiyamangalam, Erode-638 401.

Petitioner in W.P. No.22123 of 2021

1.S.K.Shanmugam,
S/o.Late K.R.Krishnasamy,
148B, Athani Road, Opp.LI.C.,
Sathiyamangalam, Erode-638 401.

Petitioner in W.P. No.22139 of 2021

Vs.

1.The District Collector,
State Highway 96,
Opp. District Court,
Palayapalayam, Erode.

2.Assistant Divisional Engineer,
Highways Department,
Sathiyamangalam, Erode District.

3.The Government of Tamil Nadu,
Rep. by the Secretary,
Revenue Department,
Fort St.George, Chennai-600009.

Respondent(s) in all cases

Prayer in W.P. No.21879 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the 2nd respondent in Na.Ka.No.7/2021/E.Ni.U/ dated 13.9.2021 and quash the same as illegal incompetent and without jurisdiction.

Prayer in W.P. No.22123 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the 2nd respondent in Na.Ka.No.7/2021/E.Ni.U/ dated 13.09.2021 and quash the same as illegal, incompetent and without jurisdiction.



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Prayer in W.P. No.22139 of 2021: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records on the file of the 2nd respondent in Na.Ka.No.7/2021/E.Ni.U/ dated 13.09.2021 and quash the same as illegal, incompetent and without jurisdiction.

For Petitioner(s) in all cases	: Mr.V.Raghavachari Senior Counsel for Mrs.V.Srimathi
For Respondent(s) in all cases	: Mr.T.Arunkumar Additional Government Pleader

COMMON ORDER

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

Notice has been issued to the encroachers in Highways road by the Assistant Divisional Engineer, Highways Department in proceedings dated 13.09.2021.

2. The learned Senior Counsel appearing on behalf of the petitioners would mainly contend that the petitioners are not encroachers and they are the owners of Survey No.192 which does not belong to the Highways Department. The petitioners are in possession of document, therefore, an opportunity may be provided to the petitioners to submit the same before the competent authority.

3. The learned Additional Government Pleader for respondents would



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submit that a general notice has been issued to all the encroachers of the Highways property since encroachment in highways road are causing obstruction to free flow of traffic in Sathyamangalam-Athani-Bhavani main road, which is a congested area. The petitioners were identified as encroachers and notice have been served. Earlier, the petitioners filed a writ petition is W.P.No.12464 of 2010 before this Court for the same cause of action by challenging the eviction order dated 13.05.2010 and also seeking issuance of patta. The said writ petition was disposed of by this Court on 09.08.2019, granting liberty to the official respondent to pursue the eviction proceedings initiated against the petitioners and pass orders.

4. The Assistant Divisional Engineer, Highways Department in his counter affidavit has stated that the subject survey number has been classified as "Salai Poramboke" as per revenue records from re-survey in the year 1971-1973. The land in the said survey number is abutting on Sathyamangalam-Athani-Bhavani main road and State Highway (SH-82) in between km.0/0-0/6 as per G.O.Ms.No.66, Highways and Minor Ports (HF1) from 09.07.2019. The petitioners and some other persons have encroached upon the highways land by constructing tiled houses and using the Highways property for commercial purposes causing obstruction to free flow of traffic from Sathyamangalam Bus Stand to Athanai Main Road via Bhavani River Bridge, Sub Registrar Office, four hospitals, Easwaran



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Temple, LIC Building, TNEB Divisional Office, Church and other commercial buildings and weekly and daily markets and from from reaching the Government Boys Higher Secondary School, Government Hospital, Government Arts and Science College, Kamadenu Arts and Science Collge, Bannariamman Institute of Engineering College, Bannariamman Sugar Mill and Kodiveri Dam and to connect the Salem to Bangalore by pass. The subject land is required for widening and improving the road on the point of public interest as well as to de-congest the traffic movement in that location. Thus, removing these encroachments are eminent for the purpose of developing the highways road in public interest.

5. Regarding the contention raised on behalf of the petitioners that no opportunity was provided, it is unacceptable since earlier eviction order was challenged by the petitioners in W.P.No.12464 of 2010 and the Writ Court disposed of the writ petition in the year 2019 after a lapse of 9 years from the date of filing the writ petition, granting liberty to the Highways Department to pursue the eviction proceedings. Thereafter, a general notice came to be issued on 13.09.2021 which is impugned in the present writ proceedings. The present writ petitions filed in the year 2021 are kept pending for the past about four years and ultimately even after a lapse of 13 years the Highways authorities are unable to evict the encroachments in the



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Highways Road, which are all causing obstruction to free flow of traffic.

During the interregnum period of past 13 years, vehicular traffic would have increased, therefore the prolongation of the litigation in the matter resulted in detrimental effect to the public interest. That apart, the petitioners were very well aware of the eviction proceedings and the actions initiated to evict the encroachments. Thus, the contention raised on behalf of the petitioners deserves to be rejected.

6. However, in order to comply with the procedures as contemplated under Sections 28 and 29 of the Tamil Nadu Highways Act, 2001, the petitioners in response to the impugned notice dated 13.09.2021 is permitted to submit his explanation along with documents if any within a period of seven (7) days from the date of receipt of a copy of this order. On receipt of any such documents along with the explanation, the same may be looked into by the authorities, final decision shall be taken regarding removal of encroachments and thereafter complete the enforcement action by removing all the encroachments in the highways property, If any and utilise the highways land for benefit of public interest. The entire exercise is directed to be completed within a period of four (4) weeks from the date of receipt of a copy of this order.



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7. With these directions, the writ petitions are dismissed. No costs.

Consequently, the connected miscellaneous petitions are closed.

(S.M.S., J.) (C.K., J.)
06.01.2026

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

To:

1.The District Collector,
State Highway 96,
Opp. District Court,
Palayapalayam, Erode.

2.Assistant Divisional Engineer,
Highways Department,
Sathiyamangalam, Erode District.

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and
C.KUMARAPPAN, J.**

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