



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 22966 of 2021 & WP NO. 22974 OF 2021

and

W.M.P.Nos.24177 & 24181 of 2021

N.SaraswathiW/o.Late Natarjan, 139, Athani
Road, Opp.LIC, Sathiyamangalam, Erode
-638401

..Petitioner(s)

Vs

1. The District CollectorState Highway 96,
Opp.District court, Palayapalayam, Erode
2. Assistant Divisional EngineerHighways
Department, Sathiyamangalam, Erode District
3. The Government of Tamil NaduRep by the
secretary, Revenue Department , Fort
St.George, Chennai-600009

..Respondent(s)

WP No. 22974 of 2021

R.DhandapaniS/o.Ramasamy, 69, Athani Road,
Opp.LIC, Sathiyamangalam, Erode -638401

..Petitioner(s)

Vs

1. The District CollectorState Highway 96,
Opp.District court, Palayapalayam, Erode
2. Assistant Divisional EngineerHighways
Department, Sathiyamangalam, Erode District
3. The Government of Tamil NaduRep by the
secretary, Revenue Department , Fort
St.George, Chennai-600009

..Respondent(s)

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

**WP No. 22974 of 2021**

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.

WP No. 22966 of 2021

For Petitioner(s): Ms.Dharanee.K. For Mrs.Srimathi.V And Avinasgh Wadhawani
For Respondent(s): Mr.A.Selvendiran, Sgp For RR1 to 3.

COMMON ORDER

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

The notice issued by the Highways Department in proceedings dated 13.09.2021 is under challenge in the present writ proceedings.

2. The authorities of Highways Department, during inspection identified the encroachments in Highways property. Thus, enforcement action was initiated for removal of encroachments.

3. Learned Special Government Pleader would submit that it is a second round of litigation. Challenging the earlier enforcement action, writ petition was filed in the year 2010 and the authorities are unable to complete the eviction proceedings for the past about 1½ decades. The present writ petitions are also pending for about four years.

4. Encroachments in Highways would cause obstruction to free flow of traffic. Therefore, on account of increase of vehicular traffic ,removal of



encroachments in Highways property are imminent. Thus, the authorities are bound to follow the procedures and evict the encroachments in Highways. The present writ petitions have been filed challenging the notice. Thus, the petitioners are at liberty to submit their explanation along with the documents if any, within a period of 10 days from today. On receipt of any such representation, the respondents shall consider the same and thereafter, take a decision and remove the encroachments by following the procedures. Such exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (C.K.,J.)
23-01-2026

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

VSI

To

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



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

VSI

**WP No. 22966 of 2021
AND
WP NO. 22974 OF 2021**

23-01-2026