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Order QR

0IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE R.RAJESH VIVEKANANTHAN

WP.Nos.29027 & 13494 of 2026
CNR:{HCMA011659302026}

Case QR

W.P.Nos.29027 of 2026

D.Vijayabharathy

..Petitioner

Vs

1. The District Collector,
   District Collector Office,
   Grand Southern Trunk Road,
   Chengalpattu, Venbakkam,
   Chengalpattu - 603 111.

2. The State Highways Authority/ Chief Engineer,
   Highway Department,
   3rd Floor, Sardar Patel Road,
   Guindy, Chennai - 600 025.

3. The Divisional Engineer,
   Highway Department,
   Alagesan Nagar, Varadharaja Nagar,
   Chengalpattu, Ammanambakkam,
   Tamil Nadu - 603 001.

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4. The Superintending Engineer,
   Tamil Nadu Road Development
   Company Ltd,
   No.1, Industrial Estate, Rajiv Gandhi Salai,
   Perungudi, Chennai - 600 096.

5. The Assistant Divisional Engineer
   Highway Department,
   No.2, Kancheepuram Road,
   Opposite to St Joseph Church,
   J.C.K. Nagar, Chengalpattu,
   Tamil Nadu 603-002.

6. The Senior Manager,
   Tamil Nadu Road Development
   Company Ltd,
   Operation and Maintenance,
   125/126, 1st Floor, Rajiv Gandhi Salai,
   Perungudi, Chennai - 600 096.

7. The Tahsildar,
   Chengalpattu Road, Near BDO Office,
   Thiruporur, Chengalpattu 603110.

8. The Superintending Engineer,
   Office of Superintending Engineer,
   No. 130, GST Road,
   Chengalpet-603 001.

9. The Deputy Commissioner of Police,
   Office of Deputy Commissioner,
   Pallikaranai, Velachery Main Road,
   Selaiyur, Chennai- 600019.

10. The Inspector of Police,
    E-8, Kelambakkam Police,
    Rajiv Gandhi Salai Road,
    Kelambakkam, Chennai- 603103.

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11.The Superintendent of Police,
Northern Range,
Vigilance and Anti-Corruption,
Chennai-600016

12.Shenbagam

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 6 herein to remove the illegal encroachments consisting of 4 shops and house situated in subject land in Survey No.42/2 forthwith, and to restore the subject land to its original condition within a time frame as fixed by this Court.

For Petitioner: Mr.Abdul Mubeen
for Mr.N.Prashantha Rao

For Respondent: Ms.R.K.Varshini
Government Advocate
For R1 to R3, R5, R7 & R8
Mr.M.Sivavarthanan
Standing Counsel For R4 & R6
Mr.N.Palanivel
Government Advocate (Crl. Side) For R9 to R11
Mr.K.Bommuraj For R12

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WP.No.13494 of 2026

J. Brezhnev

..Petitioner

Vs

1. The District Collector,
   District Collector Office,
   Grand Southern Trunk Road,
   Chengalpattu, Venbakkam,
   Chengalpattu - 603 111.

2. The State Highways Authority/ Chief Engineer,
   Highway Department,
   3rd Floor, Sardar Patel Road,
   Guindy, Chennai - 600 025.

3. The Divisional Engineer,
   Highway Department,
   Alagesan Nagar, Varadharaja Nagar,
   Chengalpattu, Ammanambakkam,
   Tamil Nadu 603 001.

4. The Superintending Engineer,
   Tamil Nadu Road Development Company Ltd,
   No.1, Industrial Estate, Rajiv Gandhi Salai,
   Perungudi, Chennai -600 096.

5. The Assistant Divisional Engineer/ Assistant Engineer,
   Highway Department,
   No.2, Kancheepuram Road,
   Opposite to St.Joseph Church,
   J.C.K. Nagar, Chengalpattu,
   Tamil Nadu - 603 002.

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6. The Senior Manager,
   Tamil Nadu Road Development
   Company Ltd,
   Operation and Maintenance,
   125/126, 1st Floor, Rajiv Gandhi Salai,
   Perungudi, Chennai - 600 096.

7. The Tahsildar,
   Chengalpattu Road, Near BDO Office,
   Thiruporur, Chengalpattu 603-110.

8. The Principal Secretary,
   Energy Department,
   Secretariat, St.George Fort,
   Chennai - 600 009.

9. The Superintending Engineer,
   Office of Superintending Engineer,
   No.130, GST Road,
   Chengalpet - 603 001.

10. The Assistant Executive Engineer,
    Tamil Nadu Electricity Board,
    Kovalam Office, Kovalam,
    Tamil Nadu - 603 112.

11. Shenbagam

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 to 6 herein to implement the Notice of removal of Encroachment dated

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26.11.2025, to forthwith remove the illegal encroachments consisting of 4 shops and house situated in subject land in Survey No.42/2, to restore the subject land to its original condition within a time frame as fixed by this Court.

For Petitioner: Mr.Abdul Mubeen

For Respondent: Ms.R.K.Varshini
Government Advocate
For R1 to R3, R5, R7 & R8
Mr.M.Sivavarthanan
Standing Counsel For R4 & R6
No appearance For R9 & R10
Mr.K.Bommuraj For R11

COMMON ORDER

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

These writ petitions have been instituted to direct the respondents 1 to 6 to remove the encroachments consisting of four shops and house situated in subject land in Survey No.42/2.

2.The subject property falls in East Coast Road. Admittedly, there is no dispute between the parties that Survey No.42/2 belongs to Highways Department.

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3.The learned counsel for the 12th respondent in W.P.No.29027 of 2026 would submit that the 12th respondent is the owner of the property in Survey No.42/1B. However, he has not produced any title document to establish the same but relied on the Civil Court decrees passed in O.S.No.120 of 2021 dated 01.09.2025 and O.S.No.14 of 2015 dated 29.06.2018.

4.Perusal of the decrees would show that the suits have been instituted between the private parties and the Government or the Highways Department are not parties to the civil suits. Thus, such decrees are not binding on the Government authorities for initiation of eviction proceedings for removal of encroachments in the Highways properties.

5.The learned counsel appearing on behalf of the writ petitioners would submit that even as per the Surveyor, the portion of the encroachments in Highways property in Survey No.42/2 came to be removed but the remaining portion of encroachments are yet to be removed.

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6.This Court is of the considered view that the Highways authorities are bound to protect the Highways properties in East Coast Road. They are bound to initiate eviction proceedings by invoking Section 28 of the Tamil Nadu Highways Act, 2001. In the present case, encroachments are identified in East Coast Road and on account of heavy traffic in East Coast Road, removal of encroachments is of paramount importance to ease traffic congestions and to provide better motorable road for the benefit of road users and motorists in that locality. It is needless to state that now East Coast Road becomes a sensitive area wherein the Government/Highways authorities are bound to protect the Highways properties by removing the encroachments in the Highways properties. Any lapses, dereliction of duty and negligence on the part of the Highways authorities for removal of encroachments in the Highways road are to be viewed seriously. Such authorities are to be subjected to disciplinary proceedings and the Government has to conduct an enquiry whether there is any collusion or corrupt activities in the matter of allowing encroachment in East Coast Road causing obstruction for free flow of traffic and to protect the rights of the road

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users. Demarcated footpath and its usage are the fundamental rights enshrined under Article 21 of the Constitution of India to the Citizen. Thus the Highways road and demarcated footpath are to be protected by the Highways authorities in public interest.

7.It is not in dispute between the parties that the land in Survey No.42/2 belongs to Highways Department. Therefore, the third respondent is directed to identify all the encroachments in Survey No.42/2 and further encroachments, if any, in East Coast Road and remove the same by following the procedures as contemplated under the Tamil Nadu Highways Act. The entire exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

8.The respective jurisdictional Police are directed to provide adequate protection to the Highways authorities for removal of encroachments in the Highways road as well as the demarcated footpath so as to ensure free flow of traffic and protect the fundamental rights of the walkers using the demarcated footpath.

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9.With the above directions, the Writ Petitions stand disposed of.

No costs.

(S.M.S.,J.) (R.R.V.,J.)
24-11-2026

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

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To

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   Chengalpattu - 603 111.

2. The State Highways Authority/ Chief Engineer,
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R.RAJESH VIVEKANANTHAN, J.

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