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W.P.No.34716 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

W.P.No.34716 of 2024

Shakira
W/o.Sheikh Jabar,
Door No.14/88,
Korimettu Street, 5th Lane,
Thiruvannamalai Town,
Thiruvannamalai District.

...Petitioner(s)

Vs

1. The District Collector
O/o the District Collector,
Vengikkal, Thiruvannamalai-606 604.
2. The Divisional Engineer,
O/o. Divisional Engineer,
Highways (C&M), No.214,
Dindivanam Road, Navakkarai
Opposite LIC,
Thiruvannamalai-606 601.
3. The Assistant Divisional Engineer,
O/o. Assistant Divisional Engineer,
Highways (C&M), No.214,
Dindivanam Road, Navakkarai
Opposite LIC,
Thiruvannamalai-606 601.



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4. The Assistant Engineer,
O/o.Assistant Engineer, Highways (C and M),
No.214, Dindivanam Road, Navakkarai
Opposite Lic, Thiruvannamalai 606 601.

...Respondent(s)

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents from taking any steps towards demolishing or encroaching upon the petitioner's property comprised in T.S.No.1751/1A measuring 900 Sq.ft., Tiruvannamalai Village & Town, Ward No.4, Block No.27, situated at Door No.14/88, Korimettu Street, 5th Lane, Thiruvannamalai Town, Thiruvannamalai District without following due process of law.

For Petitioner(s):	Mr.D.Prasanna Kumar
For Respondent(s):	Ms.V.Yamuna Devi, Special Govt. Pleader for R1 No appearance for R2 to R4

ORDER

This writ petition is filed for a Mandamus directing the respondents to restrain the respondents from taking any steps towards demolishing or encroaching upon the petitioner's property comprised in T.S.No.1751/1A, measuring 900 sq.ft., Tiruvannamalai Village and Town, Ward No.4, Block No.27, situated at Door No.14/88, Korimettu Street, 5th Lane, Tiruvannamalai Town, Tiruvannamalai District without following due process of law.



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2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent. Though notice was served to the respondents 2 to 4, none appeared on behalf of them.

3. The case of the petitioner is as follows:

(i) The subject property was owned by the petitioner's husband, acquired by way of sale deeds dated 01.03.1983 and 08.12.1993 registered as Document No.1101/1985 and Document No.1207 of 1993 on the file of the Joint Sub-Registrar-1, Tiruvannamalai. Ever since the date of purchase, he was in possession and enjoyment of the same. After getting his name included in the town survey field register, he obtained permission from the Commissioner, Tiruvannamalai Municipality and constructed a building in the subject property.

(ii) On 27.6.2012, the petitioner's husband executed a settlement deed in favour of the petitioner and their minor son and it was registered as Doc.No.2273 of 2012 on the file of the same Sub-Registrar. After becoming major, the petitioner's son executed a settlement deed dated



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20.12.2017 in respect of his portion of the subject property namely 450 sq.ft., registered as doc.No.2866 of 2017 on the file of the same Sub-Registrar in favour of the petitioner by transferring his portion of the share.

(iii) Later, the officials of the State Highways Department were attempting to demolish the building in the subject property. The petitioner was not served with notice with regard to the basis of action. Though the petitioner sent a representation dated 14.10.2024 to the respondents, once again steps were taken by the respondents to trespass into the subject property. Hence the writ petition.

4. A perusal of the status report dated 10.12.2024 filed by the third respondent for himself and on behalf of other respondents would disclose that the respondents have not issued any such eviction notice to the petitioner, which they are duty bound to take action under law.

5. In the light of the status report filed on behalf of the respondents, this Writ Petition is disposed of with a direction to the respondents to



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issue a show cause notice to the petitioner and other interested parties in terms of the State Highways Act and after affording an opportunity of hearing, proceed further in accordance with law. It is also made clear that the petitioner is also at liberty to make an application before the jurisdictional Tahsildar to conduct a survey and measure the land in her presence. No costs.

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



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To

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Office Of The District Collector,
Vengikkal Thiruvannamalai 606 604.
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O/o.Divisional Engineer, Highways (c And M),
No.214, Dindivanam Road, Navakkarai
Opposite Lic, Thiruvannamalai 606 601.
3. The Assistant Divisional Engineer,
O/o.Assistant Divisional Engineer, Highways
(c And M), No.214, Dindivanam Road,
Navakkarai Opposite Lic, Thiruvannamalai
606 601.
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O/o.Assistant Engineer, Divisional Engineer,
Highways (c And M), No.214, Dindivanam
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M.DHANDAPANI, J.

ssb

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