



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 36112 of 2023

P.Thiruvarasan

..Petitioner(s)

Vs

1. The Collector,
Cuddalore District,
Cuddalore.
2. The Special District Revenue Officer (LA)
NH-45-A, Cuddalore.
3. The Special Tahsildar (LA),
NH-45-A, Phase III, Vallalar Nagar,
Ammappettai, Chidambaram-608001,
Cuddalore Taluk, Cuddalore District.
4. The Special Tahsildar (LA),
Tamil Nadu Highways Upgradation Scheme,
Vridhachalam, Vridhachalam Taluk,
Cuddalore District.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from laying any road upon the property bearing R.S.No.75/2 Hec.0.70.0 Ac.1.75 in Kadavachari Village, Chidambaram Taluk, Cuddalore District, without following due process of law.

For Petitioner(s) : Mr.R.Gururaj

For Respondent(s) : Mrs.S.Indhu Bala, AGP for R1 & R2



ORDER

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This writ petition is filed to forbear the respondents from laying any road upon the property bearing R.S.No.75/2 Hec.0.70.0 Ac.1.75 in Kadavachari Village, Chidambaram Taluk, Cuddalore District, without following due process of law.

2. Learned counsel for the petitioner would submit that the State Highways intended to use 0.04.0 ares or 10 cents of petitioner's property for laying road or expanding it. Without following the due process of law for acquisition, the respondents are trying to lay road in the said property. Therefore, the petitioner herein as sent a representation dated 25.10.2023 to the respondents seeking information regarding the status of the aforesaid process. However, till date, no order was passed. Hence, the petitioner has come forward with the present writ petition.

3. Learned Additional Government Pleader appearing for the respondents 1 & 2 would submit that the petitioner is not the owner of the disputed property and the same is owned by the Temple. Accordingly, she prays for appropriate orders.



4. Heard the learned counsel on either side and perused the materials available on record.

5. Admittedly, in the present case, the petitioner is in the possession of the subject property. In the event, the respondents are going to acquire the said property, they have to look into the terms of Tamil Nadu Highways Act, 2001 particularly Section 18, which states that *every owner or person interested in any land acquired under this Act shall be entitled to receive and be paid an amount as hereinafter provided*. The petitioner would submit that he is interested in the subject land and also claims that he is the owner, based on the patta issued to his grand father for the subject property. Though the term “*person interested*” is not defined in the Tamil Nadu Highways Act, 2001 the same has been defined in the Right to Fair Compensation Act, 2013 and the same reads as follows:

3. Definition

x: person interested means-

v) any person whose primary source of livelihood is likely to be adversely affected

Even assuming that the petitioner is not the owner of the subject property, he would certainly falls under the aforesaid category, since he is in the possession of the subject property for five decades. That apart, the petitioner is now



claiming the right over the property, based on the patta issued to his grand father. Hence, the petitioner is the right person to receive the compensation. In the event, the respondents are intend to acquire the subject land, they are directed to follow the due process of law. However, in regard to the title dispute over the subject property, it is upto the petitioner and the temple to resolve the same.

With the aforesaid observation and direction, this writ petition stands disposed of. No costs.

05-03-2026

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

VM

To:

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KRISHNAN RAMASAMY, J.

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