



W.P.No.38835 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.P.No.38835 of 2025

and

W.M.P.Nos.43459, 43460 and 43461 of 2025

K.Kolanjinadhan

... Petitioner

vs.

1. The Secretary to Government
Government of Tamil Nadu
Highways and Minor Ports Department
Fort St.George, Chennai-600 009.
2. The District Collector
Cuddalore District,
Cuddalore – 607 001.
3. The Divisional Engineer (Highways)
Construction cum Maintenance
State Highways Department
Vridhachalam, Cuddalore District – 606 001.
4. The Assistant Divisional Engineer (Highways)
Construction cum Maintenance
Thittakudi Cuddalore District – 606 106.



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5. The Revenue Tahsildar
Veppur Taluk,
Cuddalore District – 606 304.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records from the 5th respondent dated 13.08.2025 bearing Ref.No.Na.Ka.No.C1/900/2024 and the consequential proceedings of the 3rd respondent dated 19.08.2025 bearing reference No.0184/2025/A1 and quash the same as illegal, arbitrary, without jurisdiction and to consequently direct the respondents 1 and 2 to consider petitioner's representation dated 03.09.2025 and if at all they find any encroachment to permit the petitioner to occupy the same by collecting rent in terms of the Tamil Nadu Highways Rules, 2003.

For Petitioner : Mr.S.Saravana Kumar
For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

[Made by **S.M.SUBRAMANIAM, J.,**]

The enforcement actions initiated by the Revenue Tahsildar, in coordination with the Divisional Engineer, State Highways, in pursuance of

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the directions issued by this Court for the removal of encroachment, are under challenge in the present writ petition.

2. The State Highways authorities, during inspection, found that the petitioner has encroached upon the Highways road and put up some unauthorised commercial constructions. Thus, a notice came to be issued calling upon the petitioner to remove the unauthorised constructions and clear the encroachment in the Highways property. It is a public road. That being the factum, the authorities have pursued the matter by issuing subsequent notices to the petitioner. The said actions are under challenge in the present writ petition.

3. The Assistant Divisional Engineer, Highways, filed a counter affidavit stating that the report of the Tahsildar, Veppur, received would show that the petitioner has encroached upon the highways property. Thus, further actions are initiated for the removal of encroachments. Time was granted to the petitioner to remove the encroachment but he failed to do so. Since it is a highways encroachment, it would cause obstruction to the free flow of traffic as well as the free usage of the road by road users.



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4. This Court cannot encourage such encroachment, which would not only cause obstruction but also pose danger to the road users, as it may result in road accidents. The removal of such encroachments on Highways is of paramount importance, and since a public road is involved, no leniency needs to be shown by the High Court in matters relating to the removal of encroachments on Highways properties. In the present case, the encroachments have already been identified and the petitioner has put up unauthorised constructions by encroaching upon the highways property for commercial purpose.

5. The learned counsel for the petitioner undertakes that the petitioner will remove the unauthorised constructions and hand over the encroached portion of the highways property to the authorities, within a period of twelve weeks from today. In the event of failure on the part of the petitioner to hand over the vacant portion of the highways property, the authorities are directed to remove the encroachment, demolish the unauthorised constructions and make the road free from all encroachments for public use, within a period of one week thereafter. The costs incurred by the Department for the removal of encroachment are directed to be recovered from the petitioner.

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6. With the above directions and observations, the Writ Petition stands

dismissed. Consequently, connected miscellaneous petitions are closed.

There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
06.04.2026

Index : Yes

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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To

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**S. M. SUBRAMANIAM, J.,
and
K. SURENDER, J.,**

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