



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

WP No. 43357 of 2025

K.Nagaiyan

..Petitioner(s)

Vs

1. The District Collector
Collectorate, Ariyalur District
2. The Project Director
National Highway Authority Of India No 39 3rd
Cross Stateet, Kalyanasundaram Nagar,
Karamandapam Trichy 620 001
3. Assistant Divisional Engineer
O/o Assistant Divisional Engineer, The
National Highway Authroity Of India,
Ariyalur District

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of mandamus directing the respondents to take appropriate action on the representation of the petitioner dated 28.04.2025 in respect of removal of unauthorized hut temple and stone erected inside, opposite to the petitioner's house, on the National Highways in Jayankondam to Trichy (NH -81) at Jayankonam, as per order of the Hon'ble Supreme Court made in SLP (C) No 8519/ 2006 dated 29.09.2009 and 31.08.2018 and As per Sub Section (7) of Section 26 and 27 of the Control of National Highway (Land and Traffic) Act 2002.

For Petitioner(s):

Mr.R.Singaravelan
Senior Counsel
for Mr.V.Ravikumar



For Respondent(s):

Mr.T.Arunkumar
Additional Government Pleader for R1
No appearance for R2& 3

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ORDER

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

Writ of mandamus has been instituted to direct the respondents to take appropriate action on the representation of the petitioner dated 28.04.2025 in respect of removal of unauthorized hut temple and stone erected inside, opposite to the petitioner's house, on the National Highways in Jayankondam to Trichy (NH -81) at Jayankonam, as per order of the Hon'ble Supreme Court made in SLP (C) No 8519/ 2006 dated 29.09.2009 and 31.08.2018 and As per Sub Section (7) of Section 26 and 27 of the Control of National Highway (Land and Traffic) Act 2002.

2. With respect to the relief sought for in the present writ petition, the Assistant Divisional Engineer, National Highways Authority of India/3rd respondent conducted an inspection and surveyed the land, and identified encroachment. Paragraph No.6 of the status report filed by the 3rd respondent is extracted hereinunder,

“6. I state that the 1st respondent by a letter dated 19.11.2025 had directed this respondent to give a report with regard to the representation of the writ petitioner, thereafter this respondent by a letter in Ka.No.11/case/2025/A dated 24.11.2024 had



requested the Thasildar, Udayarpalayam to Survey the land which is abutting the boundaries of National Highways and file a report in this regard. I state that even though the state highways is the competent authority since the petitioner gave the representation to remove the encroachment prior to taken over by State Highways department, this respondent has requested the Thasildar, Udayarpalayam to survey the property. Once, the survey is done it is for the Construction and Maintenance Wing of State Highways Department to take appropriate action.”

3. In view of the status report filed by the 3rd respondent, all further enforcement actions are to be initiated and to be concluded by following the procedure as contemplated under the statutes and rules. Encroachments are directed to be removed within a period of 12 weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (K.B.,J.)
30-03-2026

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

GD



To

1. The District Collector
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2. The Project Director
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District



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**S.M.SUBRAMANIAM, J.
AND
K.KUMARESH BABU, J.**

GD

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