



WEB COPY



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W.P.(MD)NO.2182 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R.POORNIMA

W.P.(MD)No.2182 of 2020

and

W.M.P.(MD)Nos.1838, 1840 & 4321 of 2020

Sr.Maria Michaela Sasikala,
Vice President,
The Society of Mother of Sorrows Servants of Mary,
Alexis Province, T.V.S.Tolgate,
Trichy – 620 020. ... Petitioner

Vs.

1. The District Collector,
Tiruchirapalli.
2. The Tahsildar,
Tiruchirapalli West, Tiruchirapalli.
3. The Divisional Engineer,
Highways,
Construction Maintenance, Trichy – 20.
4. The Assistant Divisional Engineer,
Highways,
Construction Maintenance, Trichy.
5. The Assistant Engineer,
Highways,
Construction Maintenance,
Trichy. ... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the fourth respondent in செ.மு.க.எண். 127/2019-அ2 dated 21.01.2020 and quash the same, consequently direct the respondents not to take any coercive steps to evict the writ petitioner or the superstructures situated in Ward AD, Block 9, T.S.No.176, Old S.F.No.26, Inam Sengulam Village measuring an extent of acre 11.30246 cents, pending outcome of the suit in O.S.No.266 of 2019 on the file of the II Additional District Judge, Tiruchirappalli.

For Petitioner : Mr.K.Govindarajan,
for Mr.S.Vinod Sathya Lazar.

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

* * *

ORDER

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. What is under challenge is the order dated 21.01.2020 issued by the fourth respondent under Section 28(2)(ii) of the Tamil Nadu Highways Act 2001. According to the fourth respondent, the petitioner had encroached a portion of the highways. The case of the petitioner is that they have not committed any encroachment and that they are in possession of the petition mentioned area as title



holders. The petitioner relies on the documents of the year 1910. The petitioner has filed O.S.No.266 of 2019 on the file of the II Additional District Judge, Tiruchirapalli seeking the relief of declaration and permanent injunction. Since the suit is almost seven years old, we are of the view that the matter has to be decided expeditiously by the jurisdictional civil Court. Since factual aspects are involved and the issue turns more on title, we direct the respondents to keep the impugned proceedings in abeyance and it shall abide by the outcome of the civil suit filed by the petitioner. We direct the learned II Additional District Judge, Tiruchirapalli to dispose of the suit within a period of six months from the date of receipt of a copy of this order. The rights of the parties will abide by the outcome of suit filed by the petitioner. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
21st April 2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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