



WP(MD) NO. 7236 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-04-2026

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

WP(MD) NO. 7236 of 2026

S.Louis

Petitioner(s)

Vs

1. The District Collector  
Nagercoil, Kanyakumari District.
2. The Director,  
National Highways Authority of India (NHAI)  
Project implementation Unit(PIU)  
No.395/3-1, M.S.Road  
Magestic Colony, Parvathipuram  
Nagercoil, Kanniyakumari District.
3. The Special District Revenue Officer  
(Land Acquisition - National Highways)  
Kokkirikulam, Tirunelveli District.
4. The Revenue Divisional Officer  
Vilavancode Division, Kanniyakumari District.
5. The Special Tahsildar  
(Land Acquisition - National Highways)  
Matharsangam Road, Sarkuna Street, Nagercoil  
Kanniyakumari District.
6. The Superintendent of Police  
Nagercoil, Kanyakumari District.



WP(MD) NO. 7236 of 2026

7. The Inspector of Police  
Pudukadai Police Station  
Kanyakumari District.

Respondent(s)

**For Petitioner(s):**

Mr.V.R.Shanmuganathan

**For Respondent(s):**

Mr.T.Amjadkhan,  
Government Advocate, for R-1, 3 to 5

Mr.B. Naveen Kumar, for  
Mr.Su. Srinivasan, Standing Counsel for R-2

M/s.M. Aasha,  
Government Advocate (crl. Side), for R-6 & 7

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the 3rd respondent in Na.Ka.No.J8/61/2025 dated 06.03.2026 and quash the same as illegal and consequently direct the respondents to pay fair, just and adequate compensation to the petitioner for the acquisition of lands residence well, trees etc in Survey Nos.421/7B Kunnathoor Village, Vilavancode Taluk, Kanyakumari District and also pay damages for the illegal demolition of his residential house compound wall, wells trees and other properties valued at approximately Rs.8,00,00,000/- (Rupees Eight Crores Only) in the said property caused on 03.03.2026 without following the mandatory procedure under the National Highways Act 1956 and any other law and direct appropriate legal action including disciplinary and criminal action for the said illegal demolition as against all the concerned persons and officials involved in the said illegal demolition.



*WP(MD) NO. 7236 of 2026*

## **ORDER**

The present petition has been filed seeking a writ of mandamus to quash the impugned order dated 06.03.2026 and consequently direct the respondents to pay just and adequate compensation to the petitioner for the acquisition of land, residential well, and trees, and also to pay damages for the illegal demolition of the petitioner's house.

2. The contention of the petitioner is that he was running a matriculation school and had also constructed a house with a built-up area of 4000 square feet. The respondents have acquired both the school and the house. Insofar as the school is concerned, no issue has been raised; however, the petitioner has raised issues only with regard to the acquisition of the house.

3. Prior to the filing of the present writ petition, the respondents had already deposited the compensation amount on 23.02.2026 and the respondents initiated demolition of the petitioner's house.

4. The contention of the petitioner is that the respondents, without issuing notice under Section 3E(ii) of the National Highways Act, 1956, proceeded to demolish the petitioner's house. In fact, the petitioner had not removed any of the articles from the house. Aggrieved by the same, this writ petition has been filed.



*WP(MD) NO. 7236 of 2026*

5. The learned counsel appearing for the petitioner has enclosed certain photographs of the house, as well as photographs showing its demolition. It is further submitted that all articles, including gold jewellery, were inside the house. Initially, the petitioner submitted a representation dated 03.03.2026 alleging that the entire gold jewellery was missing. Subsequently, the petitioner submitted another complaint on 05.03.2026 stating that, except for 3½ sovereigns of gold jewellery, the remaining gold articles had been recovered from the house. However, the petitioner submits that, despite such recovery, he could not remove other valuable household articles, clothes, air conditioners, etc.

6. The respondents have filed a counter stating that a notification under Section 3A(1) of the National Highways Act was issued on 10.06.2010. Subsequently, all procedures prescribed under the Act were duly followed. The petitioner and others had earlier filed a writ petition in W.P.(MD) No. 2353 of 2018, which was dismissed by this Court by order dated 18.04.2018, holding that the issues raised therein ought to be decided by the authorities and that the Court can not interfere. Thereafter, the respondents passed the impugned proceedings dated 06.03.2026 in Na.Ka.No. J8/61/2025, and the compensation amount was deposited in Court.



*WP(MD) NO. 7236 of 2026*

7. Thereafter, the respondents approached the Assistant Superintendent of Police seeking adequate police protection to demolish the superstructure. However, under Section 33(1), such power is conferred upon the police only within metropolitan areas. In other areas, the District Collector is the competent authority to grant clearance. The respondents, without approaching the District Collector, approached the police officials. After demolishing a portion of the petitioner's house, the respondents approached the District Collector by communication dated 07.03.2026. This clearly shows that the respondents had not properly invoked Section 3E(ii) of the National Highways Act before demolishing the petitioner's house. Moreover, possession can be taken only after depositing the compensation amount.

8. In the present case, although the deposit was made on 23.02.2026, within a period of ten days, the respondents demolished a portion of the petitioner's house. This indicates that, without granting adequate time, the respondents proceeded to demolish the petitioner's property. Therefore, the petitioner is entitled to compensation for the damages caused by the respondents. However, such damages cannot be ascertained in writ proceedings.



**WP(MD) NO. 7236 of 2026**

9. Accordingly, the impugned order is partially modified. Insofar as vacating the premises is concerned, the petitioner is granted time until 15.05.2026. Thereafter, the District Collector is directed to ascertain the damages incurred by the petitioner, after issuing notice to the petitioner as well as the 2nd respondent, and to conduct an inquiry and pass appropriate orders in accordance with law within a period of two months thereafter. The petitioner shall not put up any further construction on the disputed site.

10. With these directions this writ petition is partly allowed. No Costs. Consequently, connected miscellaneous petition is closed.

**02-04-2026**

KSA



WP(MD) NO. 7236 of 2026

To

WEB COPY

1. The District Collector  
Nagercoil  
Kanyakumari District.
2. The Director  
National Highways Authority of India (NHAI)  
Project implementation Unit(PIU)  
No.395/3-1, M.S.Road  
Magestic Colony, Parvathipuram  
Nagercoil, Kanniyakumari District.
3. The Special District Revenue Officer  
(Land Acquisition - National Highways)  
Kokkirikulam  
Tirunelveli District.
4. The Revenue Divisional Officer  
Vilavancode Division  
Kanniyakumari District.
5. The Special Tahsildar  
(Land Acquisition - National Highways)  
Matharsangam Road  
Sarkuna Street, Nagercoil  
Kanniyakumari District.
6. The Superintendent of Police  
Nagercoil,  
Kanyakumari District.
7. The Inspector of Police  
Pudukadai Police Station  
Kanyakumari District.



WEB COPY



***WP(MD) NO. 7236 of 2026***

**S.SRIMATHY, J.**

KSA

**WP(MD) NO. 7236 of 2026**

02.04.2026