



WP(MD). No.21312 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08/01/2026

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

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and

W.M.P(MD) No.17718 of 2023

Sree Hari Velmurugan Enterprises,
Rep by its Managing Partner,
M.Parameshwaran,
Having office and Petrol bunk at
No.47C, TB Road, Arasaradi
Madurai-625 016.

... Petitioner

Vs

1.State of Tamilnadu
Rep by the District Collector,
Madurai.

2.The District Revenue Officer,
Madurai.

3.The Tahsildar,
Madurai West,
Nagamalai Pudukottai Road,
Madurai - 625 019.

4. The Divisional Engineer,
State Highways,
Construction and Maintenance Division,
Race Course Road,

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Vinayaka Nagar,
Madurai - 625 002.

5. Southern Railway Headquarters,
Through its General Manager,
Park Town, Chennai - 600 003.

6. The Senior Divisional Manager,
Southern Railway, Madurai Division,
Madurai - 625 016.

7. Indian Oil Corporation,
Rep by its Regional Manager,
Race Course Road,
Chokkikulam,
Madurai - 625 002.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus against the respondents 1 to 4 not to evict the petitioner from the leased property in S.No. 916/1Pt, T.S.No.1 and 2, Ward No.5 Block - 22, T.B.Road, Melmadurai, Ponmeni Village, Madurai West Taluk, Madurai Corporation, Madurai District without following due process of law and consequently adequate compensation should be paid to the Railways for loss of land and to this petitioner for loss of business.

For Petitioner : M/s.V.Janaki Devi,

For R1 to R4 : Mr.C.Satheesh
Government Advocate



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For R5 and R6 : Mr.S.Pon Senthil Kumar

For R7 : Mr.K.Muraleedharan

ORDER

This Writ Petition is filed seeking a direction to the respondents 1 to 4 not to evict the petitioner from the leased property bearing S.No. 916/1Pt, T.S.No.1 and 2, Ward No.5 Block - 22, T.B.Road, Melmadurai, Ponmeni Village, Madurai West Taluk, Madurai Corporation, Madurai District, without following due process of law and consequently to direct that adequate compensation be paid to the Railways for loss of land and to the petitioner for loss of business.

2.The learned counsel for the petitioner submitted that the petitioner has been running a petrol bunk in the subject property for the last 30 years under a lease cum license agreement. Suddenly, the official respondents 1 to 4 entered the property and measured it for an alleged road widening project and directed the petitioner to vacate the petrol bunk and hand over possession. He further submitted that shifting the petroleum products and tanks from one place to another would cause

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inconvenience both to the petitioner and to the public. Therefore, he filed the present writ petition.

3.The learned Government Advocate appearing for the respondents 1 to 4 would submit that in the present case, the property is required to be acquired for the purpose of road widening and the respondents 1 to 4 would take steps to acquire the property in accordance with due process of law.

4.The learned counsel appearing for the respondents 5 and 6 would submit that the subject property belongs to the railway department and no permission was obtained from the respondents 5 and 6 for executing any project in the said property.

5. The petitioner has expressed a grievance stating that in the event eviction is initiated by the respondents 1 and 4, he would be compelled to move the petroleum products, including the storage tanks from one place to another. This would cause inconvenient not only to the petitioner but also to the public. No doubt, the petitioner is providing a public service



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by distributing petroleum products for public convenience. On the other hand, the respondents 1 and 4 require the land for the purpose of widening of road, which is also a public purpose. The said public purpose prevails over the private interest of the petitioner.

6. In view of the above, respondents 1 to 4 are directed that in the event they intend to take over the land, the acquisition shall be carried out strictly in accordance with due process of law. Since the respondents 5 and 6 claim rights over the property, they shall be permitted to participate in the proceedings and establish their rights for the purpose of receiving any compensation, in the event of acquisition of property for the purpose of road widening.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.01.2026

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

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KRISHNAN RAMASAMY,J

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