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Paramasivam Vs The Assistant Engineer

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Court : Chennai Orders

Decided On : Sep-01-2025

Judge : Honourable Mr Justice M.Dhandapani

Appeal No. : WP/8370/2020

Appellant : Paramasivam

Respondent : The Assistant Engineer

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2025

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI W.P. No.8370 of 2020 and W.M.P.No.10055 of 2020

1. Paramasivam

2. P.Gayathri ... Petitioners -Vs-

1. The Assistant Engineer (Highways) Office, Chennai Corporation Road Division - III,

2. The Divisional Engineer (Highways),

3. The Assistant Divisional Engineer (Highways) Chennai - 600 015. ... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, for issuance of Writ of Mandamus directing the first respondent to consider the petitioners' representation dated 04.06.2020 after affording an opportunity to them to produce all necessary documents with relates to the property and consequently restraining the respondents from taking any coercive action in respect of Petitioners land in Survey No.16/2 situated at 4, Senthil Nagar, 15th Cross Street, Chennai pursuant to an order of the first respondent dated 01.06.2020 till the final order has been passed under Section 28 (2) (ii) of the Tamil Nadu Highways Act, 2001 and pass orders. For Petitioners : Mr.Muthukumar for M/s.Paul and Paul For Respondent : Mr.A.M.Ayyadurai Government Advocate

ORDER

This Writ Petition has been filed to direct the first respondent to consider the petitioners' representation dated 04.06.2020 after affording an opportunity to them to produce all necessary documents with relates to the property and consequently restraining the respondents from taking any coercive action in respect of Petitioners land in Survey No.16/2 situated at 4, Senthil Nagar, 15th Cross Street, Chennai pursuant to an order of the first respondent dated 01.06.2020 till the final order has been passed under Section 28 (2) (ii) of the Tamil Nadu Highways Act, 2001.

2. The learned counsel for the petitioners submitted that the

petitioners are the owner of the property. The property acquired by the Highways Department for extension of the road. Aggrieved by the same, the petitioners made a representation dated 04.06.2020 to the respondents. The respondents had not initiated any action, till date.

Hence, the Writ Petition has been filed for the above said relief.

3. The learned Government Advocate appearing for the respondents

submitted that the order has been passed by the first respondent dated 01.06.2020, as per Section 28 (2) (11) of Tamil Nadu Highways Act, 2001 by directing the petitioner to remove the encroachment and vacate the premises within a period of seven days. But they had not done so.

4. Considering the facts and circumstances of this case and on

perusal of the records, it is found that the Highways Department acquired the land after following necessary procedure and after acquisition, the petitioner is residing in the very same residence. As against which, the respondents issued notice under Section 28 (2) (11) of Tamil Nadu Highways Act, 2001. Hence, the prayer sought in this Writ Petition is not maintainable since the land already acquired by the Highways Department and the petitioner is not a owner of the property.

Accordingly, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs. 01.09.2025 dh Index : Yes/No

Speaking/Non-speaking order

To

1. The Assistant Engineer (Highways) Office, Chennai Corporation Road Division - III,

2. The Divisional Engineer (Highways),

3. The Assistant Divisional Engineer (Highways) M.DHANDAPANI. J., dh 01.09.2025

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