

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

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**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM**  
**AND**  
**THE HON'BLE MR.JUSTICE K.SURENDER**

**W.P.No.7687 of 2024 AND**  
**W.M.P.NOS.8603 and 8605 OF 2024**

1. C.Kumar
2. D.Jothimurugan

... Petitioners

-VS-

1. State of Tamilnadu  
Rep By Its Principal Secretary To  
Government, Highways And Minor Ports  
Department, Secretariat, Chennai-09.
2. The Superintending Engineer (highways)  
State Highways Department, No.214,  
Navakkarai, Tiruvannamalai.
3. The District Collector  
Tiruvannamalai District.
4. The Revenue Divisional Officer  
Arani Taluk, Tiruvannamalai.
5. The Tahsildar  
Polur Taluk, Tiruvannamalai District.
6. Indira
7. Rajan
8. Krishnan

... Respondents

Prayer: To call for the records of the 4<sup>th</sup> Respondent in his proceedings  
Mu.Mu.A6/ 520/ 2023 dated 16.10.2023 and to quash the same as being  
illegal and unsustainable in law and for a consequential direction to the



respondents 1 to 5 to remove the encroachment made by the respondents 6 to 8 in State Highways in Survey No.662, Kasthambadi Village, Polur Taluk, Tiruvannamalai District.

For Petitioner: Mr.R.Ramachandran  
For Respondents: Mr.T.Arun Kumar, AGP for R1 to R5  
Mr.K.Kannan for R8  
No appearance for R6 & R7

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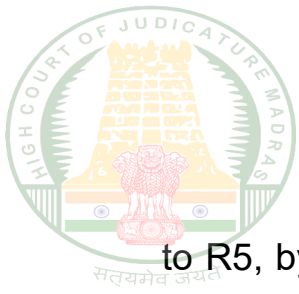
### **ORDER**

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

The proceedings of Revenue Divisional Officer, Arni dated 16.10.2023, rejecting the request of the petitioner to classify the subject portion of the road as Highways property is under challenge in the present writ proceedings.

2. Learned counsel for the petitioner would mainly contend that disputed portion is classified as Cart Track (Nilaviyal Pathai) adjacent to State Highways and therefore, Authorities ought to have reclassified the said portion of the land as Highways property. Instead, they have allowed encroachers to possess lands and thus, the present writ petition came to be instituted.

3. Learned counsel for the contesting respondents would oppose, by stating that it is a patta land in which contesting respondents are in possession and the Authorities have no control over the subject land.



4. Learned Additional Government Pleader appearing for R1 to R5, by relying on the counter affidavit filed by the Revenue Divisional Officer, Arni, would submit that field inspection and survey was conducted. The petitioner mistook the subject land as Government land and therefore, the present writ petition is devoid of merits. He would rely on Paragraph Nos.5, 9 and 10 of the counter affidavit, which read as under:

“5. I submit that in this connection the above said lands area is only 1.44.0 hectare (3.55 Acres) on earth. The road referred by the petitioner in the field map book (FMB) relating to the subject land is not marked as a road, but it has been recorded as path (Vilakki) in detail without dimensions in village map.

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9. Further I submit according to the Assistant Divisional Engineer's (Highways) (B&M) report, the disputed land was inspected on 10.04.2024. The road running towards to Munivanthangal x road to Arni calling as Illupagunam Road at KM.152/6 in Cuddalur Chittur Road is passing through Kastambadi Village S.No.662, has been used by public and transport vehicles without any hindrance for the past 50 years. And since the pattadars of Survey No. 662 did not raise any objection to the "Thar road" for the public utilization, hence no land acquisition was done by the Highways Department from the land owners through TamilNadu State Highways (L.A) Act-2001 or any other Land Acquisition Acts. Further aerial view photographs are attached to prove that there is no encroachment at the place.

10. Further I Submit that the petitioner has stated that the disputed road area is a government land based on the parent document for the property comprised in the S.No.548/1 which was purchased from one Ravikumar through a sale deed No.55/2022 shows the above said Illupagunam Road as Northern Boundary in the name of Kannigapuram Road. Hence stated this is not acceptable. At

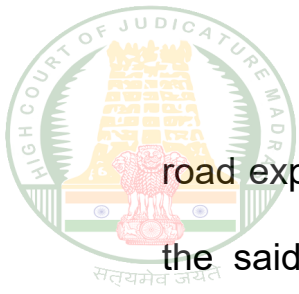


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the time of deed it is the responsibility of the purchaser to ensure that the four boundaries specified in the sale document are on the ground. The road was not located on the land as mentioned in the parent document of the petitioner, is situated 3 to 4 m from the land purchased by the petitioner, that belongs to the pattadars of survey no. 662 / defendants 6 to 8. The petitioner mistook it as government land and filed this case.”

5. Proceedings of the Revenue Divisional Officer would show that a detailed enquiry was conducted, by affording opportunity to the parties. Tahsildar as well as other Revenue authorities have deposed before the Revenue Divisional Officer. Depositions of the petitioner as well as contesting respondents were also recorded. After detailed enquiry, Revenue Divisional Officer found that State Highways road has been passing east to west in the patta land of S.No.662-area 2.65.0 Hectare Kasthambadi Village, Polur Taluk, Thiruvannamalai District for about 60 years and the Government land title has not been issued by mistake as alleged by the petitioner.

6. Further, Authorities found that patta holders have not caused any disturbance to the traffic road passing through patta lands. The said subject portion has been classified as Nilaviyal Pathai and therefore, the said portion absolutely vests with the Government. Since it is a Government land, the Government is empowered to utilize the same for public purpose. Even presuming that patta lands are required for



road expansion projects, it is left to the Government to acquire lands for the said purpose. This being the scope, the complaint made by the petitioner at this juncture would be unnecessary. Authorities found that there is no encroachment or occupation on the highways property. That being the case, no further consideration is required in this case.

Accordingly, the present writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

**(S.M.S.,J.) (K.S.,J.)**  
**06-04-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

AR

To:

1. The Principal Secretary to Government,  
State of Tamil Nadu,  
Highways and Minor Ports Department,  
Secretariat, Chennai-09.
2. The Superintending Engineer (Highways),  
State Highways Department,  
No.214, Navakkarai, Tiruvannamalai.
3. The District Collector  
Tiruvannamalai District.
4. The Revenue Divisional Officer  
Arani Taluk, Tiruvannamalai.
5. The Tahsildar  
Polur Taluk, Tiruvannamalai District.



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WP No. 7687 of 2



**S.M.SUBRAMANIAM,J.**  
**AND**  
**K.SURENDER,J.**  
**AR**

**W.P.No.7687 of 2024**

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