WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

W.P.No.13278 of 2025
&
W.M.P No.14860 of 2025

S.Muruganandham
S/o.R.Sundarapandian ... Petitioner

vs.

1. The Highways & Administrative Officer Authorised
National Highways Authority of India
Project Implementation Unit- Chennai-1
5th Floor, CMRL Building, Poonamallee High Road
Koyambedu, Chennai - 600 107

2. The Project Director
Project Implementation Unit- Chennai-1
5th Floor, CMRL Building, Poonamallee High Road
Koyambedu, Chennai - 600 107

3. The Tahsildar
Madhavaram Tahsildar Office
Gandhi Main Road, Puzhal
Chennai - 600 066

4. The Assistant Commissioner of Police
Puzhal Range
Puzhal, Chennai - 600 066

https://www.mhc.tn.gov.in/judis

WEB COPY

5. The Inspector of Police
Puzhal
NH16, New Central Jail, Puzhal
Chennai - 600 066 ... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings issued by the 1st respondent vide NHAI/11021/4/2024/PIU, Chennai-1/474 dated 02.04.2025 and quash the same as illegal, non-est and arbitrary in law and consequently forbear the respondents from any manner interfering with petitioner's peaceful possession and enjoyment of property comprised in S.No.448, situated in Puzhal Village, Ambattur Taluk, Tiruvallur District measuring to an extent of 2194 sq.ft.

For Petitioner	:	Mr.B.Vijay for Mr.S.Mohamed Uduman
For Respondents	:	Ms.S.R.Sumathy Standing counsel for R1 and R2
		Mr.T.K.Saravanan Addl. Govt. Pleader for R3 and R4
		Mr.Babu Muthu Meeran Additional Public Prosecutor for R5

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

[Order of the Court was made by **M.SUNDAR, J.**,]

Captioned matter arises under 'The Control of National Highways (Land and Traffic) Act, 2002' [hereinafter 'said Act' for the sake of brevity, convenience and clarity].

2. Subject matter of captioned main 'Writ Petition' ['WP' for the sake of brevity] is alleged encroachment to an extent of 35.96 square meters in 'S.No.448 in Puzhal Village, Ambattur Taluk, Tiruvallur District' [hereinafter 'said land' for the sake of convenience].

3. Mr.B.Vijay, learned counsel representing the counsel on record for writ petitioner is before us.

4. This Court finds that it is desirable to make a tabulation of chronology and the same is as follows:

Sl.No.	***Date***	***Event***
1	26.04.2024	Sale Deed (Writ petitioner's Title Deed)
2	29.11.2024	Letter from R1 to Jurisdictional Assistant Commissioner of Police (ACP)
3	20.02.2025	Request from R1 to the jurisdictional Survey Inspector (for conducting a survey)
4	21.02.2025	Order of this Court in W.P.No.5091 of 2025 (inter alia holding that an opportunity under

https://www.mhc.tn.gov.in/judis

WEB COPY

SI.No.	Date	Event
		said Act has to be given to the writ petitioner i.e., writ petitioner has to be show-caused).
5	04.03.2025	Survey held (by jurisdictional surveyor)
6	05.03.2025	Survey report
7	06.03.2025	Show-cause notice of R1 under Section 26(2) of said Act (writ petitioner is noticee)
8	10.03.2025	Writ petitioner's detailed response to show-cause notice
9	17.03.2025	Hearing held by R1
10	02.04.2025	Impugned order made by R1(saying that survey report overrides the title deed)

5. Learned counsel for writ petitioner submitted that S.No.448 has been classified as 'Grama Natham' and in this view of the matter, invocation of provisions of said Act on the allegation of 'occupation of Highway land' is impermissible.

6. Issue notice.

7. Ms.S.R.Sumathy, learned Standing counsel accepts notice for R1 and R2, Mr.T.K.Saravanan, learned Additional Government Pleader accepts notice for R3 and R4 and Mr.Babu Muthu Meeran, learned Additional Public Prosecutor accepts notice for R5.

https://www.mhc.tn.gov.in/judis

WEB COPY

8. From a perusal of the case file, the following points pop-up:

(i) Section 26(2) of said Act can be invoked only in cases where 'unauthorised occupation' has taken place on 'Highway Land';

(ii) Section 26(2) of said Act can be invoked by 'Highway Administration' or 'Officer authorised by Highway Administration';

(iii) 'Highway land' is defined vide Section 2(g) of said Act which in turn takes us to Section 23(1). Whether Survey No.448, more particularly 35.96 square meters which is alleged to be in occupation of writ petitioner qualifies as 'Highway land' within the meaning of Section 2(g) read with Section 23(1) of said Act?

(iv) 'Highway Administration' is also a term of art i.e., a defined term, the same having been defined vide Section 2(f), which takes us to Section 3. Whether R1 qualifies as 'Highway Administration' or as an 'Officer Authorised by Highway Administration'?

https://www.mhc.tn.gov.in/judis

WEB COPY

9. Ms.S.R.Sumathy, learned Standing counsel, who has accepted notice for R1 and R2, requested for time to get instructions on the above points, more particularly last two points, which have been formulated as questions and revert to this Court. Request acceded to.

10. Learned Standing counsel for National Highways Authority of India requested for listing on 16.04.2025. Request acceded to.

11. As the impugned order puts the writ petitioner under imminent pain of dispossession/demolition, which if put into play, can lead to irreparable legal injury, the impugned order being order dated 02.04.2025 bearing reference NHAI/11021/4/2024/PIU, Chennai-1/474 made by R1 shall be kept in abeyance till next listing.

List in the Admission Board i.e., Motion List on 16.04.2025.

(M.S.,J.) (K.G.T.,J.)
09.04.2025

gpa

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1. The Highways & Administrative Officer Authorised
National Highways Authority of INdia
Project Implementation Unit- Chennai-1
5th Floor, CMRL Building, Poonamallee High Road
Koyambedu, Chennai - 600 107

2. The Project Director
Project Implementation Unit- Chennai-1
5th Floor, CMRL Building, Poonamallee High Road
Koyambedu, Chennai - 600 107

3. The Tahsildar
Madhavaram Tahsildar Office
Gandhi Main Road, Puzhal
Chennai - 600 066

4. The Assistant Commissioner of Police
Puzhal Range
Puzhal, Chennai - 600 066

5. The Inspector of Police
Puzhal
NH16, New Central Jail, Puzhal
Chennai - 600 066

https://www.mhc.tn.gov.in/judis

WEB COPY

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

gpa

W.P.No.13278 of 2025&
W.M.P No.14860 of 2025

09.04.2025

https://www.mhc.tn.gov.in/judis