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W.P.No.13278 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

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

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

Respondents



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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 | : | Ms. S. Krishnaa<br>for Mr.S.Mohamed Uduman               |
| For RR 1 & 2   | : | Ms. S.R.Sumathy<br>Standing Counsel                      |
| For R3         | : | Mr. T.K.Saravanan<br>Addl. Govt. Pleader                 |
| For RR 4 & 5   | : | Mr. M. Babu Muthu Meeran<br>Additional Public Prosecutor |

### **ORDER**

(made by M. SUNDAR, J.)

Read this in conjunction with and in continuation of earlier proceedings dated 09.04.2025 which reads as follows:

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**'O R D E R**

[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 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)                                                                                                   |



| Sl.No. | Date       | Event                                                                         |
|--------|------------|-------------------------------------------------------------------------------|
| 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.

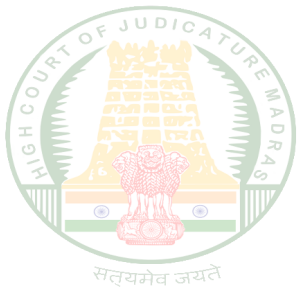
8. From a perusal of the case file, the following points pop-up:

(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'?



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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'

2. Ms. S. Krishnaa, learned counsel representing Mr.S.Mohamed Uduman, learned counsel on record for writ petitioner and Ms.S.R.Sumathy, learned Standing Counsel for RR 1 and 2 (NHAI), Mr. T.K. Saravanan, learned Additional Government Pleader for R3 and Mr. M. Babu Muthu Meeran, learned Additional Public Prosecutor for RR 4 and 5, are before this Court.

3. Ms. S.R. Sumathy, learned Standing Counsel for RR 1 & 2 (NHAI), advertng to earlier proceedings dated 09.04.2025, requests



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for some time to file counter affidavit in the Registry and bring it on board.

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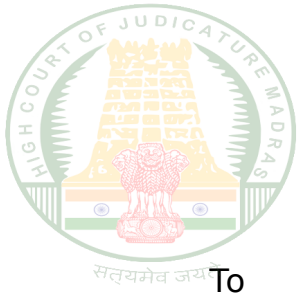
4. Request acceded to.

5. List on 22.04.2025 in the Admission Board, *i.e.*, Motion List.

6. In the interregnum, the interim order put in place *vide* paragraph 11 of earlier proceedings dated 09.04.2025 is extended and the same will continue to operate till next listing *i.e.*, till 22.04.2025.

**(M.S., J.) (K.G.T., J.)**  
**16.04.2025**

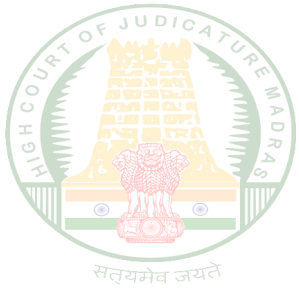
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Chennai - 600 066
4. The Assistant Commissioner of Police  
Puzhal Range  
Puzhal, Chennai - 600 066
5. The Inspector of Police  
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