



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-01-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE S. SOUNTHAR

W.P. No. 1220 of 2026

and

W.M.P. No. 1418 of 2026

R.Selvi
W/o Radhaselvam,
Door No 476, New Colony,
Mettudaiyanpalayam, pethanaickenpalayam Taluk,
Salem District 636 115

..Petitioner(s)

Vs

1. The State of Tamilnadu
Rep by its Secretary,
Department of Adi Deavidar and Tribal Welfare
Ezhilagam chepauk,
Chennai 636 115
2. The Director
Directorate of Adi dravidar and Tribal Welfare,
Ezhilagam Chepauk,
Chennai 600 005
3. The Dirctor Adi Dravidar Welfare officer,
District collectorate, Salem
4. The Special Tahsildar
Adi Dravidar Welfare,
Aathur

..Respondent(s)



The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order dated 30.12.2025 issued by the 4th respondent herein and quash the same as the same is illegal, without jurisdiction, violative of fundamental rights under Article 14, 15, 21 and 300-A of Constitution of India and Consequently direct the Respondents herein not to interfere with the peaceful possession and enjoyment of the property in Plot No 68 measuring an extent of Ac 0.2 cents in the layout situated in S. no 16/13 16/4, 28/1 and 28/2A of village No 97, mettudaiyanpalayam Village Pethanaickenpalayam Taluk, Salem District.

For Petitioner(s): Mr. P. Dinesh Kumar

For Respondent(s): Mr.T.Arunkumar
Additional Government Pleader
For R1 To R4

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ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

Disputed facts cannot be adjudicated in Writ Proceedings in exercise of the powers of judicial review under Article 226 of the Constitution of India. Such issues are to be decided by the competent authority based on documents in original and evidences.



2. The learned counsel for the petitioner would submit that the land was already given to the petitioner. The learned Additional Government Pleader would oppose the same, contending that the petitioner has been identified as an encroacher in respect of land acquired for the benefit of Adi-Dravidars.

3. In view of the dispute, the petitioner has to approach the appellate authority for effective adjudication of the disputed issues. In the present case, admittedly, notice under Section 7 of the Tamil Nadu Land Encroachment Act, was issued. After affording an opportunity to the petitioner, a final notice under Section 6 of the Act was issued. The said notice is under challenge. Since an appeal is contemplated under Section 10 of the Land Encroachment Act, liberty is granted to the petitioner to approach the appellate authority under Section 10 of the Act. Accordingly, the present Writ Petition stands dismissed. The petitioner is also at liberty to raise all the grounds before the appellate authority. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

(S.M.S., J.) (S.S., J.)

12-01-2026

Index: Yes

ASI



To

1. The Secretary

State of Tamilnadu

Department of Adi Deavidar and Tribal Welfare

Ezhilagam chepauk,

Chennai 636 115

2. The Director

Directorate of Adi Dravidar and Tribal Welfare,

Ezhilagam Chepauk,

Chennai 600 005

3. The Dirctor Adi Dravidar Welfare Officer,

District Collectorate,

Salem

4. The Special Tahsildar

Adi Dravidar Welfare,

Aathur



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S.M.SUBRAMANIAM J.

AND

S.SOUNTHAR J.

ASI

**W.P. No. 1220 of 2026
and
W.M.P. No. 1418 of 2026**

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