



**W.P.(MD)No.18946 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**WEB COPY**

**DATED : 11.07.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P.(MD)No.18946 of 2025**

**and**

**W.M.P.(MD)No.14508 of 2025**

**R.Sanmugasundaram**

**... Petitioner**

**Vs.**

**1.The Principal Secretary to Government,  
Adi Dravidar and Tribal Welfare Department,  
Secretariat, Chennai.**

**2.The District Collector,  
Office of the District Collectorate,  
Tenkasi District.**

**3.The Commissioner,  
Tenkasi Municipality,  
Tenkasi District.**

**4.The District Adi Dravidar & Tribal Welfare Officer,  
Tenkasi, Tenkasi District.**

**5.The Special Tahsildar,  
Adi Dravidar Welfare,  
Tenkasi, Tenkasi District.**

**...Respondents**



**W.P.(MD)No.18946 of 2025**

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.738/2011/F1, dated 03.07.2025 issued by the 3<sup>rd</sup> respondent as illegal without jurisdiction and quash the same and consequently, to direct the 2<sup>nd</sup> respondent to restore the land in T.S.No.194, Ward B, Block 33 situated at Tenkasi Town in the name of Adi Dravidar Natham Land as per communication of the 4<sup>th</sup> respondent dated 26.09.2022 within the time frame fixed by this Court.

For Petitioner : Mr.M.Mahaboob Athiff,  
for Mr.J.Senthil Kumaraiah  
For R1, R2, R4 : Mr.S.P.Maharajan,  
& R5 Special Government Pleader  
For R3 : Mr.P.Athimoolapandian

### **ORDER**

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

The order passed by the 3<sup>rd</sup> respondent dated 03.07.2025 is under challenge in this Writ Petition.

2.Pursuant to the directions issued by this Court in W.P.(MD)Nos.16484 & 16765 of 2024 and W.P.(MD)Nos.14275 & 14492 of 2024, a survey was conducted by the competent authorities. The 3<sup>rd</sup> respondent Municipality



W.P.(MD)No.18946 of 2025

conducted survey and by recording the facts, made a finding that the subject property is 'Street' and encroachments are identified.

3.The learned counsel appearing for the petitioner would submit that on an earlier occasion, the Adi Dravidar Welfare Officer passed an order, stating that there is a mistake in the classification of land. On account of such mistake, the 3<sup>rd</sup> respondent has formed erroneous opinion that the subject property is a street.

4.The learned Special Government Pleader appearing for the respondents 1, 2, 4 and 5 clarified that even in respect of Adi Dravidar land, which is assigned for construction of dwelling houses, the street is ear marked for the purpose of public usage. In the present case, according to the 3<sup>rd</sup> respondent Municipality, the subject property has been classified as Sarkar Poramboke Street and the said area is ear marked for the usage of people as street, including the assignees, who are the beneficiaries of the scheme.

5.This Court is of the considered opinion that the 3<sup>rd</sup> respondent Municipality with the assistance of the Government Surveyors conducted survey and identified the subject property as 'street' and encroachments are also identified.



W.P.(MD)No.18946 of 2025

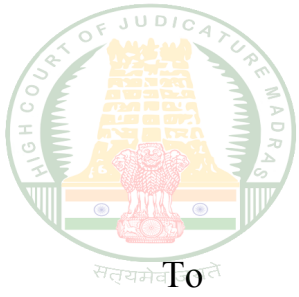
If at all the petitioner claims that he is the owner of the subject property he has to establish his civil right by approaching the competent civil Court of law.

6.High Court in exercise of the power of judicial review cannot adjudicate the disputed facts relating to civil rights. More so, the opinion of the Adi Dravidar Welfare Officer cannot be construed as final, since the Commissioner of Municipality conducted survey and decided that it is an encroachment. Thus, the petitioner is at liberty to approach the civil Court of law, if he possesses any valid document for the purpose of establishing his title or ownership. However, there is no impediment for the official respondents to proceed with the enforcement action and remove the encroachments in the manner known to law.

7.With the above observation, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**(S.M.S., J.) & (A.D.M.C., J.)**  
**11.07.2025**

NCC : Yes / No  
Index : Yes / No  
Yuva



W.P.(MD)No.18946 of 2025

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W.P.(MD)No.18946 of 2025

**S.M.SUBRAMANIAM, J.**

**AND**

**DR.A.D.MARIA CLETE, J.**

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W.P.(MD)No.18946 of 2025

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