



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

WP No. 25975 of 2024

and

WMP.Nos.28358 & 28360 of 2024

S.Dharmalingam

..Petitioner

Vs

1. The State of Tamil Nadu
Rep. By Its Secretary to the Government,
Department of Public Works,
Fort St. George, Chennai 600 009.
2. The District Collector,
Salem District, Collectorate,
Salem 636 001.
3. The Tahsildar,
Vazhapadi Taluk,
Salem District.
4. The Revenue Inspector,
Karipatti, Valappadi Taluk,
Salem District.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the undated impugned show cause notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 issued by the 4th respondent and quash the



same and consequently direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment of his property in survey No. 12/1, 12/2 situated in Ayothiyapattinam Village, Vazhappadi Taluk, Salem District.

For Petitioner : Ms.R. Reshma

For Respondents : Mr.T.Arunkumar,
Addl. Govt. Pleader

ORDER

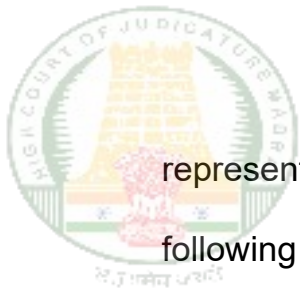
(Order of the Court was made by S.M.Subramaniam J.)

The Writ Petition has been instituted challenging the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 [hereinafter referred to as "the Act, 1905"].

2. No Writ is entertainable against the show cause notice, unless such notice has been issued by the in-competent Authority or tainted with the allegation of *mala fide*.

3. The learned Additional Government Pleader based on written instructions submitted by the Tahsildar, Valapady would submit that field inspection was conducted and encroachments are identified in water body.

4. That being the factum, the petitioner is at liberty to submit his representation along with the documents, if any, in respect to the notice issued under Section 7 of the Act, 1905. On receipt of any such



representation, the Authorities shall proceed with the enforcement actions by following the procedures as contemplated under the Act and Rules and complete the same within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With these directions, this Writ petition is **dismissed**. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S.,J.) (K.B.,J.)
30-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DSA



To

1. The Secretary to the Government,
State of Tamil Nadu,
Department of Public Works,
Fort St. George, Chennai 600 009.
2. The District Collector,
Salem District, Collectorate,
Salem 636 001.
3. The Tahsildar,
Vazhapadi Taluk,
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4. The Revenue Inspector,
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**S.M.SUBRAMANIAM, J.
AND
K.KUMARESH BABU, J.**

DSA

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