



WA No. 168 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WA No. 168 of 2026

and

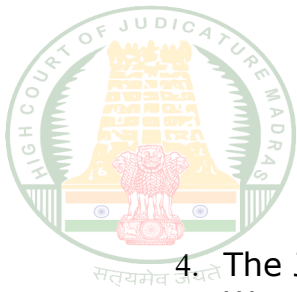
CMP No.1322 of 2026

Hitesh C. Ranawat,
S/o. Champalal Jain,
No.281, Jetkapuram,
Walltax Road, Park Town,
Chennai 600 003.

..Appellant(s)

Vs

1. The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Park Town,
Chennai 600 003.
2. The Deputy Commissioner,
Revenue and Finance,
Greater Chennai Corporation,
Rippon Buildings,
Park Town,
Chennai 600 003.
3. The Zonal Officer,
Zone V, Greater Chennai Corporation,
No.62, Basin Bridge Road,
Old Washermenpet,
Chennai 600 021.



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4. The Junior Engineer
Ward - 56, Zone V,
Greater Chennai Corporation,
Community Hall, Annapillai street,
Wall Tax Road,
Chennai 600 001.

..Respondent(s)

PRAYER: Writ Appeal has been filed under Clause 15 of the Letters Patent to set aside the order dated 13.12.2024 made in WP No. 20619 of 2021 passed by the Hon'ble Judge by allowing this Writ Appeal.

For Appellant(s): Mr.A.Palaniappan

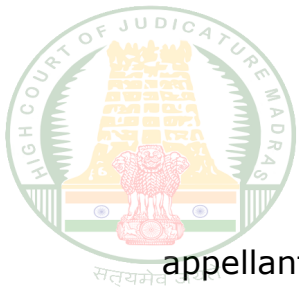
For Respondent(s): Mrs.P.T.Ramadevi
Standing Counsel

JUDGMENT

[Judgment was delivered by G.Arul Murugan J.]

The present Intra-Court Appeal is filed against the order dated 13.12.2024 passed in W.P.No.20619 of 2021, whereby the challenge to the notice dated 13.08.2021 issued by the Greater Chennai Corporation came to be rejected and the Corporation was allowed to seal the premises for the non-payment of the lease amount.

2. The brief facts are that the appellant claims ownership for Superstructure in Door No.281, Jetkapuram, Walltax Road, Park Town, Chennai 600 003, measuring an extent of 1345 Sq.ft. According to the

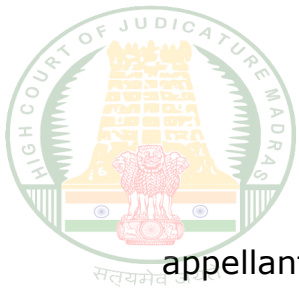


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appellant, originally Mahadeva Pillai and Elumalai Pillai were granted lease hold rights by the Corporation of Madras in the year 1941 to enjoy the vacant land. Subsequently, they transferred the property in favour of one Panchali Ammal through Sale Deed dated 28.09.1949, who thereafter raised a superstructure. After the death of Panchali Ammal, her legal representatives conveyed the superstructure in favour of the appellant on 26.02.1989, which ultimately culminated in a registered Sale Deed dated 26.10.1998.

3. The appellant claims to have demolished the exiting structure and put-up a new building, where he had let out a portion for tenancy. While so, the appellant submitted a representation on 18.01.2021 to the Corporation offering to pay outstanding lease amount payable for the period from 1989 to 2018 and sought regularisation of the construction and to induct him as a tenant under the Corporation.

4. However, by the impugned notice dated 13.08.2021, the claim was rejected holding that the appellant is an unauthorised occupant and demand was raised for a sum of Rs.59,66,773/- towards damages for use and occupation of the land for the period from 01.04.1989 to 31.03.2021 under Section 5(2) of the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975 [hereinafter referred to as 'Act']. The



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appellant assailed the notice in the writ petition, which came to be rejected by the Writ Court. Aggrieved thereby, the present appeal has been preferred.

5. Mr.A.Palaniappan, learned counsel appearing for the appellant contended that the calculations made arriving at a sum of Rs.59,66,773/- is not in accordance with Act. The value has been fixed contrary to the guideline and the entire mode adopted in fixing the lease amount is arbitrary and without any rational. Further, he submitted that the value has also been fixed for higher extent of land and made a fervant plea that the appellant be allowed to file an appeal assailing the notice.

6. Per contra, the learned Standing Counsel appearing on behalf of the Greater Chennai Corporation submitted that the appellant, who is not even the original lease holder is squatting on the property at least from the year 1989 without paying any rent to the Corporation. In fact, the appellant had also preferred the appeal, which was not prosecuted by him and, therefore, the learned Judge had rightly rendered a finding that the appellant is in arrears of huge amount and held that the appellant is an unauthorised occupation and his only remedy is to vacate and hand over the premises and allowed the Corporation to seal the premises, which needs no interference.



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7. Heard the rival submissions made by the learned counsel on either side and perused the materials available on record.

8. It is not in dispute that the appellant is not the original allottee in whose favour the lease was granted. The appellant claims to have purchased the superstructure from the person, who obtained rights from the original lessee. The original grant made in favour of Mahadeva Pillai and Elumala Pillai was only for a vacant land. The appellant claims that the structure put-up by his vendor was demolished and he has constructed a new structure.

9. Be that as it may, the fact remains that the appellant is in occupation of the property from 01.04.1989 and has not remitted any rent or damages for use and occupation. The letter was originally issued on 05.11.2001 calling upon the appellant to pay the required damages followed by two other letters dated 10.11.2004 and 25.02.2009. Even though the damages were quantified in the notices, the appellant has not chosen to either reply or pay the lease amount.

10. Proceedings were initiated under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act and a show cause notice dated

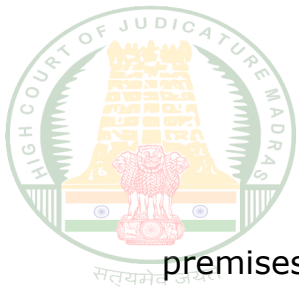


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26.02.2009 came to be issued under Section 4(1) of the Act, where the appellant was directed to remit the damages for unauthorised use and occupation from 01.04.1989 to 31.12.2008. Further, a demand notice dated 14.07.2015 also was issued to the appellant calling upon him to remit the payment of the damages for unauthorised use and occupation for the period from 01.04.1989 to 31.03.2015. Ultimately, an order under Section 5(1) of the Act dated 06.06.2019 was issued to evict the appellant from the premises.

11. Though the appellant seems to have preferred an appeal under Section 9(6) of the Act, the same was not pursued. Ultimately, a notice under Section 5(2) of the Act was issued on 13.08.2021 by the Estate Officer resorting to evict the appellant, due to failure to comply with the order of eviction under Section 5(1). The appellant had assailed only this consequential notice in the writ petition.

12. It is to be noted that the appeal filed as against the order of the eviction was not pursued by the appellant and the eviction order is not the subject matter of challenge in the writ petition. The Writ Court found that the appellant has been in unauthorised occupation from 01.04.1989 to 31.03.2021, whereby the appellant was due and liable to pay a sum of Rs.59,66,773/- due to which the premises was sealed. However, later the



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premises was de-sealed in view of the interim order passed in the writ petition on condition to pay Rs.6,00,000/- and the appellant had never bothered to either pay the balance or even pay the rented lease amount pursuant to the de-sealing. As such, the Writ Court held that the appellant cannot be considered as a tenant and he is only unauthorised occupant and directed to evict and hand over the vacant possession, however observed that Rs.6,00,000/- paid by the appellant could be adjusted while recovering the outstanding dues payable by the appellant.

13. The appellant had been squatting over the prime property in the heart of the city and had not bothered to pay lease amount at least for the past 37 years and it could be seen that even as on 31.03.2021 the amount payable by the appellant towards damages for unlawful occupation was Rs.59,66,773/- and if calculated till date, the amount due would have manifestly increased. The appellant had not chosen to reply or pay the amounts to any of the notices issued right from the year 2001. Further, he had also not vacated pursuant to the eviction order passed under Section 5(1) and also had not bothered to pursue the appeal filed by him. When the eviction order passed under the Act has attained finality, the writ petition filed challenging the consequential notice alone, issued under Section 5(2) of the Act by the Estate Officer to evict the appellant cannot be sustained. Therefore, the Writ Court had rightly held



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that the appellant cannot be construed as tenant, but he is only an unauthorised occupant, who is liable to be evicted.

14. Under such circumstances, we find no error or infirmity in the orders of the Writ Court warranting interference.

15. Accordingly, the Writ Appeal stands dismissed. The respondent Corporation is at liberty to seal the premises, take possession of the property and initiate all consequential proceedings for recovery of pending dues from the appellant. No costs. Consequently, connected Miscellaneous Petition is closed.

(SUSHRUT ARVIND DHARMADHIKARI, C.J.) (G.ARUL MURUGAN J.)

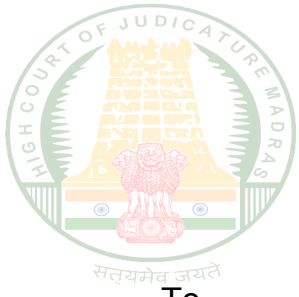
09-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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