



W.P.No.9043 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2025

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CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR
AND
THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

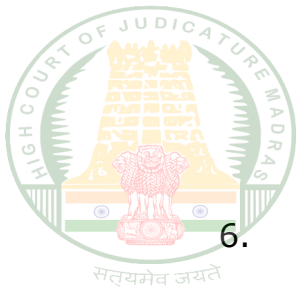
W.P.No.9043 of 2025 and W.M.P. No.10149 of 2025

St. Peter's Matriculation Higher Secondary School
represented by its Correspondent
No.18, G.S.T. Road
St. Thomas Mount
Chennai 600 016

Petitioner

vs.

1. The Government of Tamil Nadu
represented by its Principal Secretary
Revenue & Disaster Management Department
Land Disposal Wing
[LD1(1)] Department
Secretariat
Chennai 600 009
2. The District Collector
Chengalpet District
3. The District Revenue Officer
Chengalpet District
Chengalpet
4. The Tahsildar
St. Thomas Mount Village
Pallavaram Taluk
Chengalpet District
5. The Revenue Inspector
Pallavaram Sub-Division
Chennai



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6.

The Cantonment Board
St. Thomas Mount-cum-Pallavaram
represented by its
Chief Executive Officer
Ministry of Defence
Government of India
North Parade Road
St. Thomas Mount
Chennai 600 016

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus forbearing the respondents from interfering, disturbing and dispossessing the petitioner's school from any portion of the land at No.18, GST Road, St. Thomas Mount, Chennai 600 016 and bearing Survey No.1460, St. Thomas Mount Village measuring 3.20 acres in any manner or damaging the school buildings and cutting the very old trees existing therein or diverting any portion of the same land to any other purpose till the disposal of the revision petition filed by it under Section 10-A of the Tamil Nadu Land Encroachment Act, 1905 by the first respondent.

For petitioner	Mr. T.P. Manoharan, Senior Counsel for Mr. N. Premkumar
For RR 1 to 5	Mr. J. Ravindran Additional Advocate General assisted by Mr. T.K. Saravanan Additional Government Pleader
For R6	Ms. A. Remy Josephine Mary for M/s. King & Partridge (Law Firm)

**ORDER****WEB COPY**

In terms of land, subject matter of captioned main 'writ petition' (hereinafter 'WP' for the sake of brevity) is land admeasuring 4 acres and 52 cents (4.52 acres) or thereabouts comprised in S.No.1460 in St. Thomas Mount Village, Alandur Taluk (now Pallavaram Taluk), Kancheepuram District (now Chengalpet District) {hereinafter 'said land' for the sake of convenience and clarity}.

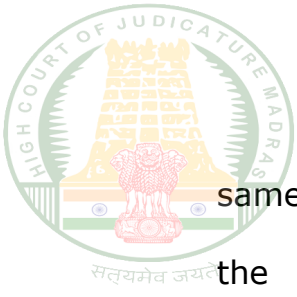
2. Mr.T.P. Manoharan, learned Senior Counsel appearing on behalf of learned counsel on record for writ petitioner (instructed by counsel on record Mr. N. Premkumar), is before us.

3. Learned Senior Counsel submits that a Matriculation Higher Secondary School, which goes by the name St. Peter's Matriculation Higher Secondary School, with a student strength of about 600, is being run in said land; that the school is a Tamil Nadu Government recognised school (recognised in 1980); that the school is being run from 1863; that the students hail from marginal sections of the society; that the school is providing concession in respect of fees and supplying textbooks and notebooks free of cost to children who cannot afford to the same; that proceedings under 'the Tamil Nadu Land Encroachment Act' (Tamil Nadu Act III of 1905)'



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(hereinafter 'said 1905 Act' for the sake of brevity) *qua* said land were initiated; that the said proceedings culminated in an order dated 30.07.2010 (made by the jurisdictional District Collector) bearing reference No.22335/92/N2; that this order of jurisdictional District Collector was made in a statutory appeal and it was served on writ petitioner on 06.08.2010; that the writ petitioner preferred a statutory revision dated 12.08.2010 to R1 (Government) under Section 10-A of said 1905 Act; that along with the revision, writ petitioner took out a stay petition under Section 10-B of said 1905 Act; that the stay petition came to be rejected by R1 in and by an order dated 11.11.2010 bearing reference No.F2/22802/10; that earlier, the writ petitioner had filed a writ petition being W.P.No.24560 of 2010 with a prayer seeking forbearance *qua* eviction pending statutory revision; that this writ petition came to be disposed of by a Hon'ble Single Judge in and by order dated 22.12.2010 recording the stated position of parties and directing the revision itself to be disposed of within a time frame of two weeks; that the revision was not disposed of within two weeks and it continues to be pending until this day; that pending revision, the school was visited with a notice under Section 7 of said 1905 Act; that the school responded to the Section 7 notice; that orders under Section 6 of said 1905 Act are yet to be made; that there are other earlier writ petitions but it may not be necessary to advert to the



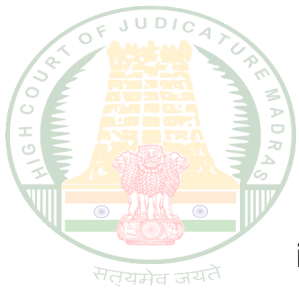
same considering the limited scope of the captioned WP; and that the captioned WP has been filed solely under pain of being dispossessed when the statutory revision is pending.

4. Issue notice to respondents.

5. Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for official respondents (RR 1 to 5) and Ms.A.Rexy Josphine Mary, learned counsel representing M/s. King & Partridge (Law Firm), learned counsel on record, accepts notice for R6.

6. Mr. J. Ravindran, learned Additional Advocate General and Senior Counsel appeared on behalf of learned State counsel and made the following submissions:

- i. From and out of said land, State has already taken possession of 1.29 acres (1 acre and 29 cents) for Chennai Metro Rail project and Chennai Metro Rail project is under way;



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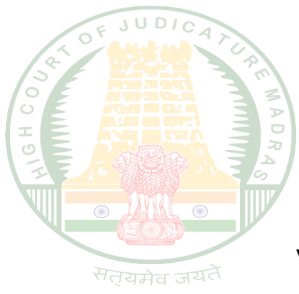
- ii. another extent of 1 acre is also in the possession of the State and the same has been allotted to Haj Committee;
- iii. the aforereferred school (St. Peter's Matriculation Higher Secondary School) is now functioning in an extent of 2 acres and 14 cents with superstructure in about 1 acre or thereabouts and 1 acre for playground;
- iv. the aforereferred statutory revision will be disposed of by the revisional authority (R1) as expeditiously as the official business of R1 permits but in any event within six weeks from today *i.e.*, on or before 25.04.2025;
- v. any coercive action, be it dispossession or any other action, *qua* school and playground (both measuring an extent of 2.14 acres put together) will be subject to and depending on the outcome of the revision petition;
- vi. irrespective of the outcome of the statutory revision, aforereferred school and its playground situate in an extent of 2.14 acres or thereabouts will not be disturbed in any manner till 10.05.2025 so that the school can continue to function till the end of this academic year.



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7. In the light of the fair stand taken by the learned Additional Advocate General, pain of dispossession *qua* school stands addressed and therefore, it is not necessary to dilate more on facts or other aspects of the matter and we proceed to write the operative portion of the order and the same is as follows:

- i. Statutory revision dated 12.08.2010 under Section 10-A of said 1905 Act *vide* Lr.No.1/SPS/2005-24 shall be disposed of by R1 as expeditiously as the official business of R1 permits but in any event within six weeks from today *i.e.*, on or before 25.04.2025;
- ii. Till disposal of the revision petition, the observations and directions made by Hon'ble Single Judge in order dated 22.12.2010 made in W.P.No.24560 of 2010 will continue to operate;
- iii. On disposal of the revision petition, the order of the revisional authority shall be served on the revision petitioner within five working days from the date of disposal of the revision petition;
- iv. Any coercive action by way of dispossession or in any other manner *qua* school as regards 2.14 acres in S.No.1460, St. Thomas Mount Village, Pallavaram Taluk, Chengalpet District, will depend on the



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outcome of the revision petition by R1;

- v. In the light of the stated position of the learned Additional Advocate General, if the order of the revisional authority is adverse to the revision petitioner, the same shall be kept in abeyance till 10.05.2025;
- vi. All the questions and preservation of the rights and contentions of both sides as regards the revision petition are left open;
- vii. Post disposal of revision petition, (in the event of the order being adverse to writ petitioner), as there will be a window of not less than a fortnight, it will be open to writ petitioner to work out legal remedies or assail the order of revisional authority in a manner known to law, if so advised and so desired; and
- viii. If such a scenario unfurls, this order will neither impede nor serve as an impetus to such a legal drill.

Captioned main WP stands disposed of in the aforesaid manner. As further coercive action depends on orders in the revision petition with a further window period, captioned writ miscellaneous petition thereat has become otiose and the same is disposed of as closed. There shall be no order as to costs.

(M.S., J.) (K.G.T., J.)
14.03.2025



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Index : Yes/No
N.C. : Yes/No
To:

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Government of Tamil Nadu
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