



W.P.No.27122 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 22.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.27122 of 2025
and
W.M.P.No.30423 of 2025

K.Balan
S/o.Krishnan

... Petitioner

VS.

1. The District Collector
Chennai District
Singaravelar Maligai
Chennai-600 001.
2. The Special District Revenue Officer (Land Acquisition)
Chennai Metro Rail Limited
Koyambedu
Chennai-600 107.
3. The Executive Engineer P.W.D
Chennai Metro Rail Limited
METROS, Anna Salai
Nandanam, Chennai-600 035.
4. The Firka Revenue Inspector - II
Perambur
Chennai-600 011.
5. Regional Deputy Commissioner (North)

Page Nos.1/12



WEB COPY



W.P.No.27122 of 2025

Greater Chennai Corporation
No.09, Chidambaram 7th Street
Basin Bridge, Chidambaram Nagar
Chennai-600 001.

6. Superintending Engineer (North)
Greater Chennai Corporation
No.09, Chidambaram 7th Street
Basin Bridge, Chidambaram Nagar
Chennai-600 001.
7. Law officer (North)
Greater Chennai Corporation
No.09, Chidambaram 7th Street
Basin Bridge, Chidambaram Nagar,
Chennai-600 001.
8. Executive Engineer
Bridges Department
Greater Chennai Corporation
No.09, Chidambaram 7th Street
Basin Brdige, Chidambaram Nagar,
Chennai-600 001.
9. Zonal Officer
Zone-4,
Greater Chennai Corporation,
No.09, Chidambaram 7th Street
Basin Brdige, Chidambaram Nagar,
Chennai-600 001.
10. Assistant Engineer / Div-35
Greater Chennai Corporation
No.09, Chidambaram 7th Street
Basin Brdige, Chidambaram Nagar,
Chennai-600 001.
11. Assistant Executive Engineer / U-09



WEB COPY



W.P.No.27122 of 2025

Greater Chennai Corporation
No.09, Chidambaram 7th Street
Basin Bridge, Chidambaram Nagar,
Chennai-600 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari, to call for the records connected with the impugned notice No.Zone IV/Enc/Dn35/127/2025 dated 20.06.2025, issued by 5th to 11th respondents and quash the same.

For Petitioner : Mr.B.Sudhir Kumar
For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
(i) Mr.T.K.Saravanan,
Additional Government
Pleader, for R1 to R4
(ii) Mr.D.B.R.Prabhu,
Standing Counsel
for R5 to R11

ORDER

[Order of the Court was made by M. SUNDAR, J.]

This order will now dispose of the captioned main 'Writ Petition' {hereinafter 'WP' for the sake of brevity, convenience and clarity} and captioned 'Writ Miscellaneous Petition' {hereinafter 'WMP' for the sake of



W.P.No.27122 of 2025

brevity, convenience and clarity} thereat.

WEB COPY 2. Proceedings made in the aforesaid captioned main WP and captioned WMP thereat in the listing yesterday (21.07.2025) reads as follows:

'The facts that can be culled out from the case file (as of now) are as follows:

Sl. No.	Date	Event	Remarks
1	22.04.2022	Notice under Section 7 OF The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' {hereinafter 'said 1905 Act' for the sake of brevity} issued by R4 to writ petitioner's son Mr.Shaji	
2	02.05.2022	Writ petitioner's reply to Section 7 notice	
3	10.05.2023	DRO (CMRO) summons fixing 18.05.2023 at 11.00 a.m. as date and time for personal hearing	Writ petitioner says writ petitioner attended on 18.05.2023 hearing
4	15.06.2024	Writ petitioner's representation	
5	13.11.2024	Order of learned Single Judge in W.P.No.28658 of 2024	Directing disposal of 15.06.2024 representation
6	07.05.2025	Writ petitioner contends that there was a personal hearing before Collector	Summons for personal hearing not available
7	16.05.2025	Learned State counsel submits that District Collector, Chennai has made an order	Copy produced in Court today



WEB COPY

Sl. No.	Date	Event	Remarks
8	20.06.2025	Notice from GCC under Section 128 of The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999) (hereinafter referred to as the "TNULB Act" for the sake of convenience and clarity)	

2. We are concerned with 'Survey No.117/2, T.S.No.2, Block 1, Erukancheri Village, Perambalur Taluk, Chennai District' (hereinafter 'said land' for the sake of convenience and clarity).

3. Learned counsel for writ petitioner submits that he is under pain of dispossession/demolition but has not been served with the 16.05.2025 order adverted to supra.

4. Issue notice.

5. Mr.A.Edwin Prabhakar, learned Government Pleader, Government of Tamil Nadu accepts notice for all respondents and requests for a short accommodation to ascertain if aforesaid 16.05.2025 order of District Collector bearing reference Se.Mu.Aanai No.J9/3043497/2025 has been served on the writ petitioner.

6. In the light of the writ petitioner's assertion that he is under imminent threat of dispossession/demolition, there shall be an interim order of status quo i.e., status quo as of today. Both sides shall maintain status quo which means that neither the writ petitioner shall put up further construction nor there shall be any demolition/dispossession by the State.

7. List on 22.07.2025 in the Admission Board i.e., Motion List under the cause list caption 'NOTICE REGARDING ADMISSION'.'

3. Aforesaid proceedings shall now be read as an integral part and



W.P.No.27122 of 2025

parcel of this order. This means that short forms, abbreviations and short references used in the earlier proceedings shall now continue to be used in the instant order too.

4. Today, Mr.B.Sudhir Kumar, learned counsel on record for writ petitioner, advertng to the tabulation in paragraph No.1 of our earlier order dated 21.07.2025 submits that S.No.7 i.e., '16.05.2025 order of R1' {hereinafter 'Collector's order' for the sake of brevity, convenience and clarity} has since been duly served on the writ petitioner yesterday. Learned counsel requests for a short window period to assail the Collector's order in a manner known to law. This request is acceded to.

5. This Court is acutely conscious that in any proceedings under Section 128 of 'The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999)' [hereinafter 'the TNULB Act' for the sake of brevity], a noticee will be given 15 days time to respond, and the Commissioner of local body should pass an order considering the response (if any) of the noticee *vide* proviso to Section 128(1)(b) of TNULB Act but in the case on hand, even before the issue of notice dated 20.06.2025 under Section 128(1)(b) of TNULB Act, owing to the judicial order made by a Hon'ble single Judge of



W.P.No.27122 of 2025

this Court (order dated 13.11.2024 in W.P.No.28658 of 2024) Collector's order has been made. The Collector's order cannot be ignored either by the Commissioner or by the writ petitioner. Therefore, considering the unique factual matrix of this case, making it clear that this will not serve as a precedent and further clarifying that this order is being made owing to earlier judicial order, we make the following order:

(i) Notice under Section 128 of TNULB Act issued by the GCC being notice dated 20.06.2025 (S.No.8 in the tabulation of 21.07.2025 proceedings) will be kept in abeyance for a fortnight from today i.e., upto 05.08.2025.;

(ii) In the aforesaid window of a fortnight, it is open to the writ petitioner to challenge the Collector's order (order dated 16.05.2025) in a manner known to law and seek any interim order that the writ petitioner may be entitled to seek;

(iii) If the writ petitioner adopts the above course



W.P.No.27122 of 2025

WEB COPY

i.e., if the writ petitioner challenges the Collector's order, the same will be considered on its own merits and in accordance with law untrammelled by this order;

(iv) Post fortnight i.e., post 05.08.2025, if writ petitioner has not chosen to take recourse to assail the Collector's order in the aforesaid manner, the Collector's order shall be put into motion / implemented;

(v) If the writ petitioner assails the Collector's order and if there is no interim order, it will still be open to the State to have Collector's order to be implemented;

(vi) If the challenge to the Collector's order is made, if it is entertained and if there is any interim order, parties will obviously abide by the interim order and the question of responding to notice of GCC under Section 128 of TNULB Act dated 20.06.2025 will be subject to the outcome of this proceedings;

(vii) All rights and contentions of the writ petitioner



W.P.No.27122 of 2025

and State are preserved in the aforesaid quasi judicial

WEB COPY legal drill;

and

(viii) Coercive action, if any, will be subject to the
aforesaid quasi judicial / judicial legal drill.

Captioned WP disposed of in the aforesaid manner with the aforesaid observations and preservation of rights. In the light of what we have written as regards coercive action, captioned WMP has become otiose and the same is disposed of as closed. There shall be no order as to costs.

(M.S.J.,)

(H.C.J.,)

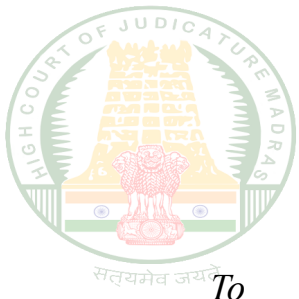
22.07.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

mk

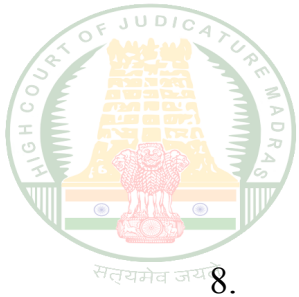


W.P.No.27122 of 2025

To
WEB COPY

1. The District Collector
Chennai District
Singaravelar Maligai
Chennai-600 001.
2. The Special District Revenue Officer (Land Acquisition)
Chennai Metro Rail Limited
Koyambedu
Chennai-600 107.
3. The Executive Engineer P.W.D
Chennai Metro Rail Limited
METROS, Anna Salai
Nandanam, Chennai-600 035.
4. The Firka Revenue Inspector - II
Perambur
Chennai-600 011.
5. Regional Deputy Commissioner (North)
Greater Chennai Corporation
No.09, Chidambaram 7th Street
Basin Bridge, Chidambaram Nagar
Chennai-600 001.
6. Superintending Engineer (North)
Greater Chennai Corporation
No.09, Chidambaram 7th Street
Basin Bridge, Chidambaram Nagar
Chennai-600 001.
7. Law officer (North)
Greater Chennai Corporation
No.09, Chidambaram 7th Street
Basin Bridge, Chidambaram Nagar,
Chennai-600 001.

Page Nos.10/12



W.P.No.27122 of 2025

WEB COPY

8. Executive Engineer
Bridges Department
Greater Chennai Corporation
No.09, Chidambaram 7th Street
Basin Brdige, Chidambaram Nagar,
Chennai-600 001.
9. Zonal Officer
Zone-4,
Greater Chennai Corporation,
No.09, Chidambaram 7th Street
Basin Brdige, Chidambaram Nagar,
Chennai-600 001.
10. Assistant Engineer / Div-35
Greater Chennai Corporation
No.09, Chidambaram 7th Street
Basin Brdige, Chidambaram Nagar,
Chennai-600 001.
11. Assistant Executive Engineer / U-09
Greater Chennai Corporation
No.09, Chidambaram 7th Street
Basin Brdige, Chidambaram Nagar,
Chennai-600 001.



WEB COPY



W.P.No.27122 of 2025

**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

mk

W.P.No.27122 of 2025

**22.07.2025
(1/2)**

Page Nos.12/12