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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

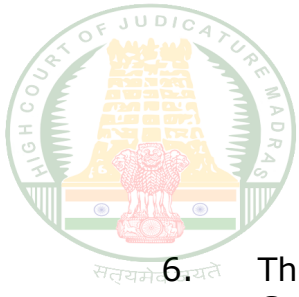
W.P. No.29565 of 2025 and W.M.P. No.33333 of 2025

K. Balan

Petitioner

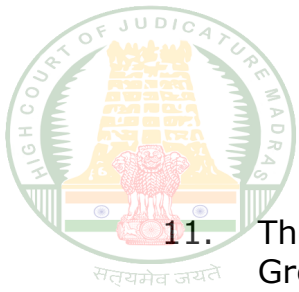
vs.

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. The Regional Deputy Commissioner (North)
Greater Chennai Corporation
No.09, Chidambaram VII Street
Basin Bridge
Chidambaram Nagar
Chennai 600 001



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



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11. The Assistant Executive Engineer/U-09
Greater Chennai Corporation
No.09, Chidambaram 7th Street
Basin Bridge
Chidambaram Nagar
Chennai 600 001

12. The Commissioner of Land Administration
II Floor, Ezhilagam
Chepauk
Chennai – 600 005

Respondents

(R12 impleaded by this Court *suo motu vide* instant order)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records of the first respondent and quash the impugned order bearing no.J9/3043497/2025 dated 16.05.2025 and direct the respondents to pay compensation for the land and building before initiating demolition.

For petitioner

Dr. V. Venkatesan

For RR 2 & 3

Mr. A. Edwin Prabhakar
State Government Pleader

For RR 1,4 & 12

Mr. T.K. Saravanan
Additional Government Pleader

For RR 5 to 11

Mr. D.B.R. Prabhu
Standing Counsel

- - - - -



ORDER

(made by M. SUNDAR, J.)

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This order will now dispose of the captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity] and the captioned 'writ miscellaneous petition' [hereinafter 'WMP' for the sake of brevity] thereat.

2. In the listing on 12.08.2025, the following proceedings/order was made:

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.SUNDAR

and

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

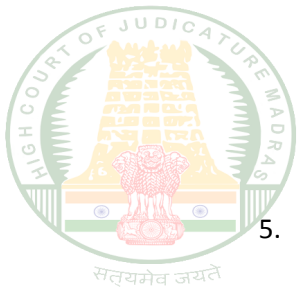
W.P.No.29565 of 2025 and W.M.P. No.33333 of 2025

K. Balan

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.
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METROS
Anna Salai, Nandanam
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4. The Firka Revenue Inspector – II
Perambur, Chennai 600 011

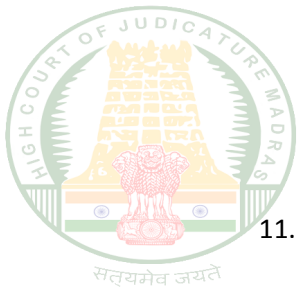


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5. The Regional Deputy Commissioner (North)
Greater Chennai Corporation
No.9, Chidambaram VII Street
Basin Bridge, Chidambaram Nagar
Chennai 600 001
6. The Superintending Engineer (North)
Greater Chennai Corporation
No.9, Chidambaram VII Street
Basin Bridge
Chidambaram Nagar
Chennai 600 001
7. The Law Officer (North)
Greater Chennai Corporation
No.9, Chidambaram VII Street
Basin Bridge
Chidambaram Nagar
Chennai 600 001
8. The Executive Engineer (Bridges Department)
Greater Chennai Corporation
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Chennai 600 001
9. The Zonal Officer
Zone – 4
Greater Chennai Corporation
No.9, Chidambaram VII Street
Basin Bridge
Chidambaram Nagar
Chennai 600 001
10. The Assistant Engineer / Divn.-35
Greater Chennai Corporation
No.9, Chidambaram VII Street
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Chidambaram Nagar
Chennai 600 001



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W.P.No.29565



11. The Assistant Executive Engineer/U-09
Greater Chennai Corporation
No.9, Chidambaram VII Street
Basin Bridge
Chidambaram Nagar
Chennai 600 001

Respondents

For petitioner Dr. V. Venkatesan
For RR 1 to 4 Mr. A. Edwin Prabhakar
State Government Pleader
assisted by
Mr. T.K. Saravanan
Addl. Govt. Pleader
For RR 5 to 11 Mr. D.B.R. Prabhu
Standing Counsel
ORDER

[made by M.SUNDAR, J.]

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 08.08.2025.

2. Today, Dr. V. Venkatesan, learned counsel on record for writ petitioner, Mr. A. Edwin Prabhakar, learned State Government Pleader assisted by Mr. T.K. Saravanan, learned Additional Government Pleader for respondents 1 to 4 and Mr.D.B.R. Prabhu, learned Standing Counsel for respondents 5 to 11 (GCC) are before us.

3. Learned counsel for petitioner sought time to produce the original extract from Permanent Land Register (PLR) (page 62 of typed set of papers). Request acceded to.

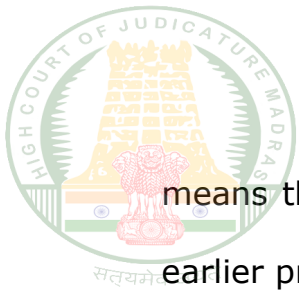
4. Learned State counsel to file an affidavit of first respondent (District Collector) stating as to whether they are admitting proceedings dated 04.11.2000 of first respondent and setting out details as to whether any proceedings for issue of D-form patta were commenced/issued at all and also produce records.

5. Order of status quo already granted on 08.08.2025 to continue until further orders.

6. List on 19.08.2025 (Tuesday).

(M.S., J.) (H.C., J.)
12.08.2025'

3. The aforereferred proceedings made in the listing on 12.08.2025 shall now be read as an integral part and parcel of this order. This also



means that the short forms, abbreviations and short references used in the earlier proceedings will continue to be used in the instant order too.

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4. Adverting to the aforereferred proceedings dated 12.08.2025, more particularly paragraph 3 thereat, learned counsel for writ petitioner submitted that the writ petitioner does not have the original extract from PLR and learned State counsel, adverting to paragraph 4 of the earlier proceedings, submitted that 04.11.2000 proceedings is not there in their records and it is clearly a gotten up document. This submission of learned State counsel is disputed by the learned counsel on record for writ petitioner. Such disputation/contestation turns heavily on facts.

5. In the aforesaid backdrop, this Court heard out the captioned main WP in its entirety.

6. It is deemed appropriate to set out the chronology of events in a tabulation for ease of reference and for better appreciation of our instant order. The tabulation is as follows:

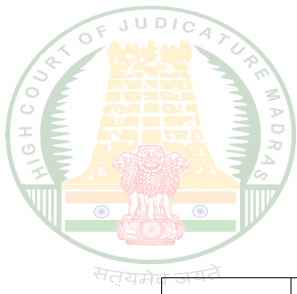


S.No.	Date	Event/Proceedings	Remarks
1	22.04.2022	Fourth respondent issued a notice under Section 7 of 'the Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' [hereinafter 'said 1905 Act' for the sake of convenience and clarity].	Writ petitioner is the noticee in this Section 7 notice.
2	02.05.2022	Writ petitioner showed cause / replied to aforereferred Section 7 notice.	--
3	15.06.2024	Writ petitioner sent a representation to respondents 1 to 3.	In this representation,, writ petitioner sought compensation for the property which is the subject matter of aforereferred Section 7 notice setting out his presumption that the proceedings under said 1905 Act have been dropped as no order under Section 6 had been made for over two years.
4	18.09.2024	Writ petitioner filed an earlier writ petition being W.P. No.28658 of 2024 seeking a mandamus <i>qua</i> aforereferred 15.06.2024 representation.	Prayer in this writ petition is as follows: <i>'Writ petition filed under Article 226 of Constitution of India for issuance of a writ of mandamus to direct the respondents 1 to 3 to consider the petitioner's representation dated 15.06.2024 to award compensation for the acquisition of the land and building of the petitioner admeasuring to an extent of 0.07 cents in 2,408 sq. ft. comprised in Old Survey No.117/2, T.S.No.2, Block No.1, situated in Door No.18, Sathiyavani Muthu Salai, Erukkancherry Village, Chennai.'</i>



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S.No.	Date	Event/Proceedings	Remarks
5	13.11.2024	Aforereferred W.P.No.28658 of 2024 was dismissed by an Hon'ble Single Judge of this Court.	Operative portion of this order reads as follows: '3. the respondents are directed to consider the petitioner's representation dated 15.06.2024 and pass appropriate orders on merits and in accordance with law, after issuing notice to the petitioner and also affording him an opportunity of personal hearing, within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.'
6	20.06.2025	A notice under Section 128 of 'The Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999)' [hereinafter 'TNULB Act' for the sake of brevity] was issued.	Noticee has been described as owner and this notice has been issued by respondents 5 to 11 (notice originated from Regional Officer – North, of GCC).
7	15.07.2025	Writ petitioner responded to the aforesaid Section 128 notice.	In the concluding paragraph, writ petitioner has requested for 30 days time to vacate the premises.
8	21.07.2025	Writ petitioner filed another earlier writ petition being W.P. No.27122 of 2025 assailing aforereferred 20.06.2025 notice under Section 128 of TNULB Act.	--



S.No.	Date	Event/Proceedings	Remarks
9	22.07.2025	W.P.No.27122 of 2025 was dismissed by a Division Bench of this Court, to which, one of us (M. SUNDAR,J.) was a member.	This Court, <i>inter alia</i> , held that 20.06.2025 notice under Section 128 of TNULB Act shall be kept in abeyance for a fortnight and within that fortnight, it is open to writ petitioner to challenge 16.05.2025 proceedings made by first respondent bearing reference J9/3043497/2025 (to be noted, this 16.05.2025 proceedings shall be referred to as 'impugned proceedings' and it was made by first respondent in compliance with aforesaid Single Judge's order dated 13.11.2024 directing first respondents to dispose of aforesaid 15.06.2024 representation of writ petitioner.
10	05.08.2025	Captioned main WP assailing impugned proceedings of first respondent was filed in this Court.	To be noted, this is a certiorarified mandamus prayer assailing impugned proceedings made by first respondent and also seeking a direction to the respondents to pay compensation for land and building before initiating demolition.

7. Learned State counsel submits that compensation for the building was offered by Chennai Metro Rail Ltd. (CMRL) but writ petitioner did not accept it stating that the compensation for land also should be paid.



8. In response to this, learned counsel for writ petitioner submitted that they were not satisfied with the quantum. This, again, is a matter which may require a legal drill on facts.

9. This Court carefully considered the trajectory the matter has taken and the issues that have popped up for consideration. As alluded to *supra*, the issues that have popped up turn heavily on facts. This has impelled us to make the instant order, the details of which will be set out somewhere *infra* in this order.

10. This Court has repeatedly held that said 1905 Act is a self-contained Code by respectfully following **Girnar** principle being law laid down by a Constitution Bench of Hon'ble Supreme Court in **Girnar Traders (3) vs. State of Maharashtra** reported in **(2011) 3 SCC 1**. To be noted, Girnar principle is to the effect that if a statute provides for a complete machinery to deal with the purpose sought to be achieved by that law and its dependence on other legislations is either absent or minimal, such a statute is a self- contained Code.

11. As would be evident from the tabulation *supra* which captures both the trajectory and the chronology, the genesis is a notice from fourth



respondent under Section 7 of said 1905 Act, to which, the writ petitioner responded on 02.05.2022. The next statutory step is an order to be made under Section 6, *i.e.*, an order to be made under Section 6, after considering writ petitioner's response dated 02.05.2022. An order under Section 6 can be made by the following authorities:

- i. Collector;
- ii. Tahsildar subject to control of Collector;
- iii. Deputy Tahsildar subject to control of Collector; and
- iv. Authorized officer being any other officer authorized by the State Government in this behalf, *i.e.*, 'authorised officer' subject to the control of the Collector.

12. In the instant case, no orders were made for over two years and when things stood thus, writ petitioner sent a representation dated 15.06.2024, *inter alia*, seeking compensation, sought a mandamus *vide* W.P.No.28658 of 2024 that was predicated on this representation, this writ petition was disposed of by directing first respondent to make orders on the representation. As already alluded to *supra*, orders made by first respondent are the impugned proceedings *qua* captioned main WP.

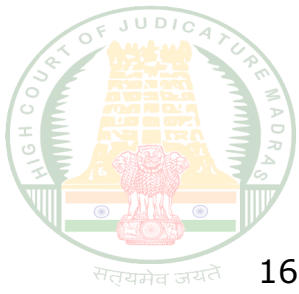
13. This Court finds no difficulty whatsoever in holding that the impugned proceedings of first respondent should necessarily be construed as



an order made under Section 6 of said 1905 Act. Said 1905 Act being a self-contained Code, impugned proceedings being an appealable order and the matter turning heavily on facts, we deem it appropriate to relegate the writ petitioner to alternative remedy of statutory appeal under said 1905 Act.

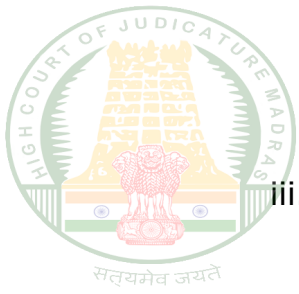
14. In this regard, it is deemed appropriate to write that this Court is acutely conscious of the obtaining legal position that alternative remedy rule is not an absolute rule and it is a rule of discretion. In the case on hand, considering that the matter, *inter alia*, turns heavily on facts, we deem it appropriate to exercise discretion by relegating the writ petitioner to alternative remedy of statutory appeal.

15. A careful perusal of Section 10 of said 1905 Act makes it clear that statutory appeal against impugned proceedings will lie to Commissioner of Land Administration *vide* Section 10(c) of said 1905 Act. For this purpose, we add 'The Commissioner of Land Administration, II Floor, Ezhilagam, Chepauk, Chennai – 600 005' as twelfth respondent and Mr. T.K. Saravanan, learned Additional Government Pleader, accepts notice for newly impleaded twelfth respondent also. To be noted, appeal will lie under Section 10(c) as the impugned proceedings have been made by District Collector (first respondent).



16. The writ petitioner will now have 30 days time *vide* sub-section (1) of Section 11 of said 1905 Act to prefer a statutory appeal to Commissioner of Land Administration (twelfth respondent) and that 30 day time limit shall run from the date this order is uploaded on the official website of this Court. There will be further allusion about this *infra* in the operative portion of this order but before writing the operative portion, we deem it appropriate to clarify the following three points:

- i. Commencement of proceedings under said 1905 Act will not be an impediment for local body to resort to Removal of Encroachment (RoE) proceedings under the TNULB Act;
- ii. We resort to relegating the writ petitioner to alternative remedy owing to the peculiar facts and circumstances of the instant case and therefore, applying **Padma Sundara Rao** principle, *i.e.*, law declared by a Constitution Bench of Hon'ble Supreme Court *vide* **Padma Sundara Rao and others v State of Tamil Nadu and others [(2002) 3 SCC 533]**, we write that this order will not serve as a precedent in all and every case where simultaneous proceedings under said 1905 Act and TNULB Act are initiated; and



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- iii. If the writ petitioner avails alternative remedy and files a statutory appeal to Commissioner of Land Administration (twelfth respondent), it is open to the parties to revisit the compensation offered and conclude the matter before the Appellate Authority (twelfth respondent) and for such an exercise, this order will neither be an impetus nor an impediment. Such an exercise can be undertaken by the parties untrammelled by instant order.

17. In the light of the narrative, discussion and dispositive reasoning thus far, the following order is made:

- i. As regards the certiorari limb, the impugned proceedings of first respondent is not dislodged but the writ petitioner is relegated to alternative remedy of statutory appeal under Section 10 of said 1905 Act, without expression of any view or opinion one way or the other on the merits of the matter;
- ii. It is open to the writ petitioner to file an appeal within thirty days from the date this order is uploaded on the official website of this Court;
- iii. It is equally open to the writ petitioner to file an appeal along with stay petition under Section 10-B of said 1905 Act.;

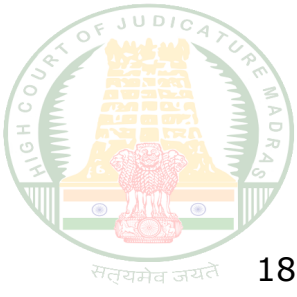


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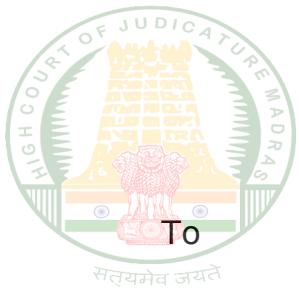
- iv. If the writ petitioner files appeal along with stay petition, further coercive action, if any and if that be so, will be subject to outcome of the stay petition, for which, State will necessarily have to wait for 30 days from the date the instant order is uploaded on the official website of this Court;
- v. In the appeal, it is open to Appellate Authority to have oral and documentary evidence let in to return 'findings' as regards the factual disputations;
- vi. In the light of this Court having repeatedly held that said 1905 Act is a self-contained Code by following **Girnar** principle, the order to be made by Appellate Authority (twelfth respondent) under Section 10 of said 1905 Act will be subject to revision by either of the parties under Section 10-A and such revision also can be accompanied by stay petitioner under Section 10-B of said 1905 Act;
- vii. As regards the mandamus limb of the prayer, as alluded to *supra*, it is open to the parties to revisit the quantum of compensation offered by CMRL and give a closure to the matter.



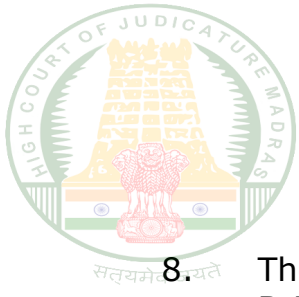
18. Captioned main WP stands disposed of in the aforesaid manner with aforesaid observations, directives and preservation of rights. In the light of what this Court has written regarding coercive action, captioned writ miscellaneous petition thereat has become otiose and the same is disposed of as closed. There shall be no order as to costs.

(M.S., J.) (M.S.K., J.)
09.09.2025

cad
Index : Yes
NC : Yes



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M. SUNDAR, J.

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