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W.P.No.37549 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 09.12.2025**

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM  
and  
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P.No.37549 of 2025**

**and**

**W.M.P.Nos.42005, 42007 & 42008 of 2025**

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

... Petitioner

Vs.

1. The Government of Tamil Nadu,  
rep. by its Principal Chief Secretary,  
Revenue & Disaster Management Department,  
Land Disposal Wing, [LD(1)] Department,  
Secretariat, Chennai – 600 009.
2. The Additional Chief Secretary,  
Revenue & Disaster Management Department,  
Land Disposal wing, [LD(1)] department,  
Secretariat, ,Chennai – 600 009.
3. The District Collector-cum-Appellate Authority,  
Chengalpet District.
4. The District Revenue Officer,  
Chengalpet district, Chengalpet.
5. The Tahsildar,  
St.Thomas Mount Village,  
Pallavaram Taluk,  
Chengalpet District.
6. The Revenue Inspector,  
Pallavaram Sub-division, Chennai.



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7. The Tahsildar,  
Tambaram

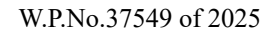
8. The Cantonment Board,  
St.Thomas Mount-cum Pallavaram,  
rep. by its Chief Executive Officer,  
Ministry of Defence, Govt.of India,  
North Parade Road, St.Thomas Mount,  
Chennai – 600 016.

..Respondents.

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to (I) the Notice bearing Na.Ka.21838/92/A2 dt.18.04.2005 etc. issued by the 7<sup>th</sup> respondent, (ii) the Order bearing Na.Ka.No.22335/1992/N2 dated 30.07.2010 passed by the 3<sup>rd</sup> respondent in the Appeal and (iii) the Order bearing Letter NO.26035/LD-1(1)/2010-1 dt.10.06.2025 (served on the petitioner on 23.08.2025) passed by the 2<sup>nd</sup> respondent in the Revision Petition and quash the same and consequently, direct the Respondents 1 and 2 to follow the methods and procedures prescribed in G.O.Ms.No.557 Revenue Department dated 07.09.1994 and assign the land bearing D.No.18 GST Road, St.Thomas Mount, Chennai – 600 016 and Survey No.1460, St.Thomas Mount Village, measuring 2.14 Acres to the petitioner School by determining the collecting two to three times of its market value from it and not to interfere, demolish the School buildings, cut the very old trees, dispossess it from any portion of the said land and divert the same for any other purpose.

For Petitioner : Mr.T.P.Manoharan,Senior Counsel  
for Mr.N.Premkumar

For Respondent : Mr.R.Ramanlaal,  
Addl.Advocate Rgeneral  
assisted by Mr.T.Arunkumar,  
Addl.Govt.Pleader for R1 to R7  
Mr.C.Mohan,  
for Ms.A.Rexy Josephine Mary,  
for M/s. King and Partridge for R8



**S.M.SUBRAMANIAM,J.**

2. The facts in brief would show that the original lease of the subject land in S.No.1460 of St.Thomas Village, was granted by the East India Company for a term of 50 years from 01.11.1802 in favour of the predecessors in-title to Thiru.Krishnaswamy Chetty and Thiru.Govindarajulu Chetty. The second and third spell of leases for a period in each case of 50 years from 1.11.1802 to 01.11.1902 were renewed by the Secretary of State of India, Council in favour of the lessee viz., East India Company. Third spell of lease executed by the Secretary of State on 27.09.1944 for a period of 50 years from 1.11.1902 in favour of the lessee expired on 31.10.1952. During the existence of the lease, the legal heirs of the lessee transferred the leasehold rights to Saiyid Gul Mohammed Yarya Karim Suhrawardy alias Hilal Karim for Rs.6,500/- through a Sale Deed No.552/1932 dated 02.04.1932. Subsequently, the Government sanctioned renewal of lease in favour of G.S.A.Kareem in October 1954 for a period of 30 years from 01.11.1952 subject to the payment of annual premium of Rs.1027.80 and an annual assessment of Rs.51-6-0 and also subject to the provisions of



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Cantonment (Housing Accommodation) Act 1923. The lease granted for 30 years expired on 31.10.1982.

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3. The lessee had given the subject premises on sub-lease to one Doctor(Miss)Cornelious. The Government found that the conditions of lease had been violated. The lease was granted under the Contonment (Housing Accommodation) Act 1923 only to utilise the land for dwelling purpose. Thus, lease conditions would show that the leased lands cannot be used for any other purpose other then dwelling purposes and in the event of violation, the Government is empowered to cancel the lease and resume the Government land. The Government found that several conditions were violated. More particularly, as per Condition II, premises shall not be used for any other purpose other than dwelling house. Condition XII(1) provides that the house shall not be occupied for the purpose of Hospital, Bank, Hotel, Shop or School or by a railway administration without the previous sanction of the Officer Commanding the division given with the concurrence of the local Government. Evidently, the leased premises are not been used for dwelling purpose and having been used for the purpose of a School, the previous written sanction of the competent authority as envisaged in condition XII (I) had not been obtained. Thus, Conditions II and XII also found to be violated. Condition V states that every person to whom the lease is devolved, by transfer by succession or by operation of law, shall give to the



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cantonment authority within one month from the date of such devolution, notice in writing of the fact of such devolution. This condition also had been violated. In that, Thiru K.Hilal, the legal representative of the lessee has not given notice as contemplated in Condition V. Condition VII contemplates that the lease shall forward an attested copy of the agreement to the Cantonment authority, if the lessee lets the house to any person other than military officer or a civil officer.

4. The lessee violated several conditions of the lease, which resulted in issuance of show cause notice to the legal heirs of the lessee Thiru.K.Hillal. No reply had been received in response to the show cause notice. Thus, the Government concluded that the lessee had no objections on the proposed actions. Accordingly, Government issued orders in G.O.Ms.No.935, Revenue Department dated 28.04.1977 for resumption of subject land.

5. Challenging the Government order issued in G.O.Ms.No.935, son and the daughter of the deceased lessee filed W.P.No.4140/1977 and W.P.No.3761/1977 respectively and the writ petitions were dismissed by the High Court of Madras on 16.06.1980. The Tahsildar proceeded with the eviction proceedings on 06.12.1982. Again, W.P.No.4253/1983 was filed and High Court granted stay of eviction. Finally, the writ petition was dismissed on 25.07.1991. The High Court ordered to evict the



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petitioner from the land in question only under due process of law.

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6. After cancellation of the lease by the Government in G.O.Ms.No.935 dated 28.04.1977, Thiru Hillal (legal heirs of the original lessee) sold the subject property to Thiru.Govindasamy and he handed over the land to Thiru.Krishnaswamy, vide document No.435/1992 dated 14.02.1992.

7. Since the legal heirs of the original lessee sold the subject land in favour of Mr.Krishnaswamy, he filed W.P.No.20542/1992 and the said writ petition was dismissed on 28.08.2000. Tahsildar, Tambaram, issued eviction notice on 17.03.2003 under the Tamil Nadu Land Encroachment Act 1905 to evict the occupants from the land in question. Subsequently, the writ petitioner School herein submitted an application to the Tahsildar, Tambaram, seeking assignment of the Government land in question under their possession. Meanwhile, challenging the notice issued by the Tahsildar, Tambaram dated 09.12.2005, the writ petitioner School filed W.P.No.440/2006, which came to be dismissed on 06.01.2006 granting stay till 23.01.2006 for filing appeal before the Appellate Authority. Pursuant to the orders, the Principal, St.Peter's Matriculation Higher Secondary School, submitted a petition on 12.01.2006 with a request to assign the subject land in their favour against the eviction notice dated 09.12.2005. Since no order was passed by the District Collector



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Kancheepuram District, the petitioner school filed W.P.No.11860/2010 before the High Court and stay was granted by the High Court on 09.06.2010. However, the District Collector, Kancheepuram conducted an enquiry and rejected the application submitted by the writ petitioner.

8. The above facts would explicitly show that several show cause notices were issued to the petitioner for eviction in pursuance to the Government order issued in G.O.Ms.No.935 dated 28.04.1977 for resumption of the Government land in question. On account of multiplicity of writ proceedings instituted initially by the lessee, thereafter by the purchasers of the land from the lessee and subsequently, by the petitioner School, the authorities are unable to evict the petitioner, despite the fact that several lease conditions were violated and the Government issued order of resumption of land in the year 1977. Challenging the order of the District Collector, Kancheepuram District dated 30.07.2010, the petitioner school preferred a revision petition before the Government. The Additional Chief Secretary to Government elaborately considered the revision petition dated 13.08.2010 filed by the writ petitioner and passed rejection order vide letter dated 10.06.2025 which is under challenge in the present writ petition. The Government in the impugned revisional order has narrated the above said facts in clear terms, which would be sufficient for this Court to form an opinion that the Government is prevented from completing the enforcement actions on



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account of multiple legal proceedings initiated by the lessees, subsequent purchasers, petitioner school etc., for more than four decades. Finally, an order has been passed by the Government in the revision petition assigning the reasons comprehensively and gist of the reasons as narrated in paragraph No.4 of the impugned order, is reproduced hereunder.

*a) The land in question "Time Bar Lease land Government Land".*

*b) There is no lease agreement for renewal/extension with the Government/District Administration.*

*c) Government issued orders to resume the land in 1977 itself.*

*d) The existing school on the land was considered as squatters and eviction action taken due to unauthorized occupation.*

*e) The above said land is required by the Government for construction of Taluk office and for future purpose.*

9. Yet another ground raised by the learned Senior Counsel appearing on behalf of the petitioner is that no opportunity was granted by the Government to defend the case by the petitioner. That apart, the subject land is the cantonment land. Therefore, the State Government has no powers to evict the petitioner from the said land. In support of his contention the learned Senior Counsel for the petitioner would rely on the judgement of the Hon'ble Supreme Court in the case of *Union of India &*



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Ors. vs. *Robert Zomawia Street*<sup>1</sup> and in the case of *Usha Kapoor & Ors. vs. Government of India & Ors.*<sup>2</sup>. However, the said judgments are factually distinguishable and of no avail to the petitioner.

10. The above judgments would reiterate that the entries in General Land Register (GLR) maintained under the Cantonment Land Administration Rules which is conclusive evidence of title of land. In this context, it would be relevant to look into the Cantonment Land Administration Rules, 2021, which was issued in exercise of the powers conferred by Section 346 of The Cantonments Act 2006 and in supersession of Cantonment Land Administration Rules, 1937, Rule 6(ii) states clause “B” land which is actually occupied or used by or under the control of any department of the State Government. Therefore, Clause B2 land belongs to the State Government department and in the present case, the Government has taken an administrative decision to construct Taluk office and to utilise the subject land for public purposes. The learned Additional Advocate General would rely on the judgment of the Division Bench of this Court dated 07.02.2024 passed in W.P.No.33561 of 2023 and Review Appeal (W) No.229 of 2023 wherein, similar issue has been considered and para Nos.27, 28,29, 31, 33 and 50 read as under:

*27. Therefore, only the property which had been*

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<sup>1</sup> (2014)6 SCC 707

<sup>2</sup> (2014)16 SCC 481.



*acquired or provided or maintained by a Board vest in the Board for management and control. We need not go into all other provisions of the Act. It is admitted before this Court that, the Cantonment Land Administration Rules, 2021, framed in exercise of powers conferred by Section 346 of the Cantonments Act, 2006, refers to classification and jurisdiction of the land under Chapter-II of the said Act. A General Land Register and General Land Register Plan prescribed by the Central Government from time to time has to be maintained by the Defence Estates Officer, inside Civil Areas and outside Civil Areas. No addition or alteration can be made in the General Land Register except with previous sanction of the Central Government. As per Section 4 of the Rules, which relates to the classification of land for the purpose of General Land Register, the land in the Cantonment which is vested in the Government is classified as Class "A" and Class "B" land and the land which is vested in the Board under Section 122 of the Act is classified as Class "C" land. Class "B" land has been divided as Class "B1" and "B-2" land. Class "B-2" land is actually occupied or used by or is under the control of any Department of a State Government. Rule 7 of the Cantonment Land Administration Rules, 2021, reads as follows :*

*"7.Management of Land.- (1)The management of Class "A-1" land, except for such areas or classes of areas as may from time to time be declared by the Central Government to be under the immediate management of the Military authorities or the Defence Establishments themselves, shall continue to be entrusted to the Defence Estates Officer. (2)The management of Class "A-2" land shall vest in the Defence Estates Officer. (3)The management of Class*



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*“B-1” land shall vest in the Ministry or Department in occupation of or having control over the land. (4)The management of Class “B-2” land shall vest in the State Government in occupation or having control over the land. (5)The management of all Class “B-3” land, B-3(a) land and Class “B-4” land shall be entrusted to the Defence Estates Officer; Provided that the management of all Class “B-3” land, B-3(a) land and Class “B-4” land in the notified Civil Area shall be entrusted to the Board. (6)The management of Class “C” land shall vest in the Board under section 122 of the Act. (7)The authorities to whom management of Defence Land has been entrusted as mentioned at sub-rule (1),(2),(5) and (6) of rule 7 shall carry out inspection of all such Defence Land as entrusted to their management and shall, as soon as possible, may be, after the 1st April of each year and not later than 1st July, shall submit a certificate of inspection alongwith a report providing the details pertaining to encroachment on Defence Land under their management alongwith the action taken to remove such encroachment, in such formats as may be laid down by the Central Government.”*

*28.Mr.C.Mohan, learned counsel appearing for the Cantonment Board produced before this Court the Extract of the Land General Register (GLR) indicating that the subject land falls under the Class B-2 lands. As per SubRule (4) of Rule 7 of the Cantonment Land Administration Rules, 2021, the management of Class B-2 land vest in the State Government in occupation or having control over the land. In respect of the lands which vest in the State Government and classified as Class B-2 land, the Cantonment Board has no control over the management or administration of the property as evident from the reading of Sub-Rule (4) of Rule (7) of the Cantonment Land Administration Rules, 2021.*

*29.Learned Senior Counsel appearing for the petitioner himself has produced before this Court the judgment of the Hon'ble Supreme Court in Union of*



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*India and others v. Robert Zomawia Street reported in (2014) 6 SCC 707, wherein, the Hon'ble Supreme Court has specifically held that the entry in General Land Register under the Cantonment Land Administration Rules, 2021, is the conclusive evidence of title of land. The Hon'ble Supreme Court, in the said case, considered the right of the plaintiff in a suit who claimed title against the Ministry of Defence and Cantonment Board in a title suit and for a declaration against the order of resumption. Though the plaintiff therein produced a series of title documents tracing his title on the basis of a grant in the year 1880 as an "old grant" in favour of the predecessor-in-title of the plaintiff therein, the defendant therein raised a plea that the old grants are resumable and that the occupancy holder is required to admit the title of the Government. It was also stated in defence that the defendants required the land for bona fide defence use and that the resumption order dated 23.03.1993 was also served on the plaintiff. Though the trial Court held that the suit land forms part of an old grant and hence, can be legally resumed, the appeal preferred by the plaintiff against the dismissal of the suit was allowed on the ground that the defendants had not produced any other evidence to prove that the suit land comes under old grant which give the right to defendants to resume the land at their pleasure. Referring to the previous judgment of the Hon'ble Supreme Court in Union of India v. Ibrahim Uddin reported in (2012) 8 SCC 148, the Hon'ble Supreme Court reiterated that the entries made in the General Land Register maintained under the Cantonment Land*



*Administration Rules, 2021, is conclusive evidence of title. From the said judgment, it is seen that the law has been settled in several judgments of the Hon'ble Supreme Court to the effect that the entries made in the General Land Register maintained under the Cantonment Land Administration Rules, 2021, are conclusive evidence of title. After finding that the lands have been classified as B-3 lands in the General Land Register in respect of the property in question and the fact that the nature of holder's right is registered as old grant, the Hon'ble Supreme Court held therein that Class B-3 land is one which is held by any private person subject to the conditions that the Central Government has proprietary rights over it and that therefore, the land that is classified as B-3 land does not mean to own with legal title. The tenure under which permission is given to civilians to occupy Government land in Cantonment for construction of bungalows on the condition of right of resumption, is held to be known as "old grant tenures". Therefore, the Hon'ble Supreme Court, holding that the Class B-3 land does not confer any legal title with the holder, allowed the appeal and dismissed the suit filed by the plaintiff in entirety. The said judgment of Hon'ble Supreme Court relied upon by the learned Senior Counsel for petitioners, if understood properly, leads to the conclusion that the case of petitioners setting up title in themselves in or in favour of Cantonment Board, is unsustainable.*

....

*31.The lands comprised in the Cantonments throughout the country were originally acquired by the*



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*British Government in India (predecessor of Government of India) for military purposes either by right of conquest or by treaty or by payment of compensation. After classification of lands and inception of Cantonments, the lands comprised in the Cantonment area were held vest in the Government of India in few precedents. However, the leasehold lands with a right reserved to the local Government to resume the lands may not be treated as the land vest with the Cantonment Board, especially when the land which is under the control and administration of the State within the Cantonment area is permissible. It is to be noted that under Section 3 of the Cantonments Act, 2006, the Central Government, may, by notification in the Official Gazette, declare any place or places along with boundaries in which any part of the forces is quartered or which being in the vicinity of any such place or places, is or are required for the service of such forces to be a cantonment, declare that any cantonment shall cease to be a cantonment. It will be unconstitutional to declare any land of a third party to become a land of cantonment without paying any compensation. The provisions of the Cantonments Act has to be understood in the context and therefore, the general submission of the learned Senior Counsel appearing for the petitioner that every land that comes within the Cantonment area vests with the Central Government or the Cantonment Board for any purpose, cannot be countenanced. It is to be noted that the object of the Cantonments Act is to quarter the defence and to serve in the nation's interest. Hence, at no stretch of*



*imagination, the subject matter of lease can be treated as a land belongs to Cantonment Board.*

*33.In view of the discussion and conclusion reached above, this Court has no hesitation to hold that the disputed land falls under the classification "B-2 land" and is the property of the State. As a consequence, the State Government is well within its competence and authority to initiate proceedings through its machinery provided under the Encroachment Act.*

....

....

*50.The first two judgments above referred to reiterate the position that removal of encroachment can be done only by following the procedure and by adhering to the principles of natural justice even if the legislation does not provide for an opportunity in tune with principles of natural justice. The third judgment of the Hon'ble Supreme Court is regarding the maintainability of a writ petition in appropriate case where eviction under the Public Premises (Eviction of Unauthorised Occupants) Act, following the summary procedure is resorted to when there is a bona fide dispute regarding title. The principle expressed by the Hon'ble Supreme Court in the said judgment is reiterated in several precedents. Whenever an Act prescribes a summary procedure for eviction of a person and the person in occupation raises a bona fide dispute regarding title or by claiming an independent right to remain in occupation over the land, the bona fide claim of title cannot be dealt with by following a summary procedure prescribed under such legislations.*



*When proceedings for eviction are initiated under Land Encroachment Act, the competent authority exercise power by assuming that the land belongs to State. When a person is in settled possession under a bona fide claim of title without admitting the title of Government, the jurisdictional issue cannot be based on assumption. In suitable cases, the adjudication of complicated questions of title can only be by availing remedy before the Civil Court. Therefore, in appropriate cases, when there is a bona fide dispute on the question of ownership over the property, this Court, while exercising jurisdiction under Article 226 of the Constitution of India, may intervene. However, in the present case, having regard to the facts narrated above, this Court is unable to find any semblance of right in favour of the petitioners. From the documents relied upon by the petitioners both in the review application as well as in the writ petition, this Court finds a candid admission by the petitioners about the paramount title of the State. It is only for the purpose of this lis, the petitioners have made an attempt to dispute the title. The other judgments relied upon by the learned Senior Counsel as found in the Typed Set of Papers, have no relevance having regard to the peculiar facts of the case on hand.*

11. The judgment of the Division Bench was taken by way of SLP No.22595 of 2024 and the Hon'ble Apex Court dismissed the SLP on 09.08.2024.



12. The learned Government Pleader would further contend that Section 15-A of the Tamil Nadu Land Encroachments Act, 1905 empowers the Government to resume the Government land. Section 15-A is extracted hereunder.

**15-A. Certain persons deemed to be in unauthorised occupation of land** – *Where a lease of land which is the property of the Government expires or is terminated by the Government or any other authority competent in that behalf, the lessee or any other person remaining in possession of the land after such expiry or termination, or*

*Where land granted in any person is liable to be resumed by the Government on the breach or non-observance of any of the conditions subject to which the grant is made and the government or any other authority competent in that behalf have passed orders resuming the land for such breach or non-observance, the grantee or any other person remaining in possession of the land after the passing of those orders shall, for the purposes of sections 3 to 15, be deemed to be a person unauthorisedly occupying such land.*

13. Since the subject land is B2 land and vests with the State Government, the competent authorities are empowered to invoke the provisions of the Tamil Nadu Land Encroachment Act, 1905, for eviction of unauthorised occupants. In the present case, the eviction proceedings commenced from the year 1977 is being prolonged on account of continuous litigations and the subject property situate within Chennai City



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limit and the Government has proposed to utilise the land for construction of Government offices and for public purposes. Therefore, this Court is of the considered view that the petitioner has not established even a semblance of legal right for the purpose of the considering the relief. That apart, several show cause notices were issued and eviction proceedings are continuing right from the year 1977 onwards. Multiple legal proceedings initiated by lessees, legal heirs, subsequent purchasers, petitioner School were concluded. That being so, the ground raised by the petitioner that no opportunity has been given by the respondent, is incorrect and untenable. The respondents shall proceed with the enforcement actions.

14. With the above observations, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**(S.M.S.,J.) (C.K.,J.)**  
**09.12.2025**

vsi  
Index : Yes  
Speaking order : Yes

To

1. The Principal Chief Secretary,  
Government of Tamilnadu,  
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Land Disposal Wing, [LD(1)] Department,  
Secretariat, Chennai – 600 009.



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2. The Additional Chief Secretary,  
Revenue & Disaster Management Department,  
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