



W.P.No.47534 of 2025 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN
W.P.Nos.47534, 47538, 47539, 47541 and 47544 of 2025
and
W.M.P.Nos.53074, 53076, 53080, 53081, 53082,
53084, 53086, 53087, 53089 and 53090 of 2025

M/s.Madras East Lions Charitable Trust,
Rep. by its Trustee Mr.N.Kumar,
Plot No.2, T.P.S. Castle,
F-1, 1st Floor, 83rd Street,
13th Sector, K.K.Nagar,
Chennai – 600 078.

... Petitioner in W.P.No.47534/2025

B.Jayaraman

... Petitioner in W.P.No.47538/2025

K. Sankar

... Petitioner in W.P.No.47539/2025

D.Chockalingam

... Petitioner in W.P.No.47541/2025

P.Vijayalakshmi

... Petitioner in W.P.No.47544/2025

-vs-

1.State of Tamil Nadu
Rep. by its Additional Chief Secretary,
Revenue and Disaster Management Department,
Fort St. George, Chennai – 600 009.



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2.State of Tamil Nadu,
Rep. by its Secretary,
Highways and Minor Ports Department,
Chennai – 600 009.

3.The District Collector,
Singaravelar Maligai,
Collectorate Office, Chennai.

4.The District Revenue Officer/ Nodal Officer,
M.Singaravelar Maligai,
No.32, Rajaji Salai,
Chennai – 600 001.

5.The Tahsildar,
Sholinganallur Taluk,
Chennai District.

6.The Revenue Inspector,
Sholinganallur Taluk,
Chennai District.

... Respondents

Prayer in W.P.No.47534 of 2025: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to G.O.(Rt.) No.256 dated 29.07.2025 passed by the 1st respondent enabling car parking in Survey Nos.4/1 and 14/3 of Injambakkam, which is anyway not connected with the petitioner's hospital, situated in S.No.14/4 in Injambakkam at Door No.2/90, Dr.Nanjunda Rao Road, Injambakkam, Chennai – 600 115 and quash the same and forbear the 5th respondent from issuing notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 07.11.2025, violating Section 111(3) (a) of Tamil Nadu Town and Country Planning Act, 1971 or in any manner indulging in precipitative measure of eviction, demolition or interference



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with the functioning of the petitioner's hospital without observing due process of law.

Prayer in W.P.No.47538 of 2025: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to G.O.(Rt.) No.256 dated 29.07.2025 passed by the 1st respondent enabling car parking in Survey Nos.4/1 and 14/3 in Injambakkam and quash the same and forbear the respondents from proceeding in any manner indulging in precipitative measure of eviction, demolition or interfering with the petitioner under Section 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905 in respect of his shop at Door No.2/80, East Coast Road, Injambakkam, Chennai – 115 without adhering the due process of law.

Prayer in W.P.No.47539 of 2025: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to G.O.(Rt.) No.256 dated 29.07.2025 passed by the 1st respondent enabling car parking in Survey Nos.4/1 and 14/3 in Injambakkam and quash the same and forbear the respondents from proceeding in any manner indulging in precipitative measure of eviction, demolition or interfering with the petitioner under Section 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905 in respect of his house and shop at Door No.2/82, East Coast Road, Injambakkam, Chennai – 115 without adhering the due process of law.

Prayer in W.P.No.47541 of 2025: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for



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the records relating to G.O.(Rt.) No.256 dated 29.07.2025 passed by the 1st respondent enabling car parking in Survey Nos.4/1 and 14/3 in Injambakkam and quash the same and forbear the respondents from proceeding in any manner indulging in precipitative measure of eviction, demolition or interfering with the petitioner under Section 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905 in respect of his house and shop at Door No.2/82, ECR Main Road, Injambakkam, Chennai – 115 without adhering the due process of law.

Prayer in W.P.No.47544 of 2025: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to G.O.(Rt.) No.256 dated 29.07.2025 passed by the 1st respondent enabling car parking in Survey Nos.4/1 and 14/3 in Injambakkam and quash the same and forbear the respondents from proceeding in any manner indulging in precipitative measures of eviction, demolition or interfering with the petitioner under Section 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905 in respect of his house and shop at Door No.2/80, East Coast Road, Injambakkam, Chennai – 115 without adhering the due process of law.

For Petitioner : Mr.K.M.Vijayan, Senior Counsel
for Mrs.R.T.Shyamala in all WPs

For Respondents : Mr.T.Arun Kumar,
Addl. Govt. Pleader in all WPs



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COMMON ORDER

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(Order of the Court was made by S.M.SUBRAMANIAM,J.,)

Under assail is the Government Order in G.O.(Rt.)No.256, Revenue and Disaster Management Department, Land Disposal Wing, dated 29.07.2025, appointing the District Revenue Officer, Chennai as Nodal Officer for removal of encroachment, regular follow-up work and co-ordination in order to complete parking development work in S.No.4/1 and 14/3 (Government – Poramboke), Injambakkam, Chennai District and the petitioners have challenged the consequential show cause notice issued under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act, 1905.

2. The learned Senior Counsel appearing on behalf of the petitioners would submit that hospital and some commercial buildings have been constructed in the subject property and the hospital is functioning for several years. It caters the needs of the people residing in that locality. Therefore, parking development works need not be undertaken by the Government in the subject property. Instead the Government could have chosen some other area for construction of multi-level car parking or any other public purpose project to de-congest the traffic in East Coast Road. He would further contend that the procedures as contemplated were not



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strictly followed and there is no master plan scheme for construction of multi-level car parking in ECR. Instead the Government may choose some other place within Chennai city which would be of more useful to de-congest the traffic in city.

3. The learned additional Government Pleader would strenuously oppose by stating that it is a public project, which is proposed to be implemented in several locations as per the policy decision taken by the Government. On behalf of the Government CMDA/ TNUDF conducted an elaborate study through consultant and submitted a report on 'Study on parking requirements for CMA Area.' Several recommendations were made to reduce parking problems in Chennai city. One of its prime off street parking strategy is multi-level parking complexes at critical areas. Therefore, the Government has taken a decision to implement the policy decision in large scale to de-congest traffic in Chennai city by developing parking area and by constructing multi-level parking complexes. The subject property is classified as “Meikkal poramboke – grazing land”, which absolutely vest with the Government. The writ petitioners are encroachers. No assignment was granted in favour of the writ petitioners by the Government. Mere building plan approval would be insufficient to establish title. Planning Authority granted building plan permission without



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verifying the title. Therefore the building plan approval will not provide ownership in respect of Government land, where Government has already taken a policy decision to construct multi-level car parking to de-congest the traffic in several locations at Chennai city.

4. This Court has considered the rival submissions made between the parties.

5. What is under challenge is the show cause notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. The Government Order issued in G.O.(Rt.)No.256, dated 29.07.2025 is only regarding appointment of District Revenue Officer, Chennai as Nodal Officer for removal of encroachments. Therefore, the said Government Order would not provide any cause for institution of writ proceedings. So also Section 7 notice has been issued affording opportunity to the encroachers to submit their explanations along with the documents, if any. Against these orders, no Writ Petition would lie unless show cause notice has been issued by the Authority having no jurisdiction. The appointment of Nodal Officer is the part of Scheme sought to be implemented by the Government and the appointment would not result in causing prejudice to the petitioner. Therefore, the prayer to that extent deserves no merit



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consideration. As far as Section 7 show cause notice is concerned, the petitioners instead of submitting reply along with documents, if any, to the competent Authority have instituted Writ Petition.

6. High Court cannot adjudicate the disputed facts under Article 226 of the Constitution of India. The power of judicial review under Article 226 is to ensure the process through which decision has been taken by the competent Authorities in consonance with the statute and Rules in force, but, not the decision itself. That being the scope of judicial review, show cause notice affording opportunity to encroachers to submit their explanations would not provide a cause for the institution of writ proceedings.

7. As per the respondents, the subject land absolutely vest with the Government and classified as "Meikkal Poramboke - grazing land". The Tahsildar in his common counter affidavit has elaborately detailed about the area of Government land encroached upon as well as the scheme sought to be implemented by the Government to de-congest traffic in Chennai city. The relevant paragraphs are extracted hereunder:-

3) I respectfully submit that the Government of Tamil Nadu vide letter No.10809534/HW2/2025-4 dated 08.07.2025



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have a proposal to regulate the parking issue to reduce congestion in East Coast Road from Thiruvannamiyur to Akkarai. The Government issued G.O.(Rt)No.256 Revenue and Disaster Management Department Land Disposal Wing L.D.4(1) Section dated 29.07.2025 in this regard that the appointment of nodal officer in particular project is the propogative of the Government, therefore the petitioner has no right whatsoever in challenging the appointment of the nodal officer. During the said course of action, it was found that there were some encroachments in S.Nos.4/1, 14/3 of Injambakkam Village of Sholinganallur Taluk. Hence, enumeration of the encroachment was taken up and it was found that the following encroachers have encroached upon portions of the aforesaid land parcels in S.Nos.4/1 and 14/3 of Injambakkam Village.

Sl. No.	Name of the Encroacher	Survey Number Encroached in Sq.mts	Extent Encroached in Sq.mts.	Nature of Encroachment	W.P.No. Filed
1	Arockia Mary (Anthoniraj)	14/3	82.8	2 Shops and one House	
2	Lakshmi Narayanan	14/3	43	3 shops first floor house	
3	Saroja	14/3	34	Shop and house	
4	Jayaram	14/3	92.7	Shop and house	W.P.No. 47538/2025



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5	Bhaskar	14/3	92.4	Car service centre	
6	Rajmohan	14/3	55	Sri Amman Medicals	
7	Sankar	14/3	140	Shop and House	W.P.No. 47539/2025
8	Chockalingam	14/3	140	Two shops and Two godowns	W.P.No. 47541/2025
9	Vijayalakshmi	14/3	51.2	Sri Amman Industries	W.P.No. 47544/2025
10	Palani and Kasthuri Palani	14/3	37.8	Shop and House	
11	Ravindrakumar Angaiah	4/1	604	Shop and House	
12	Madras East Lions Charitable Trust	14/4	800	Hospital	W.P.No. 47534/2025

4) I respectfully submit that almost all the encroachers are using the said land partly for commercial purpose. Hence, notices were issued to the encroachers under Section 7 of the Land Encroachment Act, 1905 which culminated in issue of form No.6. The petitioner Trust was issued with only form No.7 and also the petitioner club averred that they got a valid building permits, but mere building permits cannot confer the title, or ownership howsoever long on public property, the petitioner did not produce any permission or assignment by



competent authority. Also submitted that the petitioner is not expected to suggest or advise the State for implementation of the scheme, it is left with the executive authorities and policy matters of the Government. Therefore the petitioner cannot legalise their encroachments by a building permit. After expiry of the statutory notice 15 days, form 6 would be issued. Aggrieved by the said notices issued in Form No.7, the petitioner herein may submit an appeal before the District Collector under Section 10 of the Land Encroachment Act, 1905.

8) I respectfully submit that whereas, a Government order was issued by the Government vide letter No.10809534/HW2/2025-4 dated 08.07.2025 with a proposal to regulate the parking issued to reduce the congestion in East Coast Road from Thiruvannamiyur to Akkarai. Also the said project conceived to decongest the narrow ECR which is already beyond its carrying capacity inside the city limit due to rapid expansion. For the said purpose the Government identified the lands in S.Nos.4/1 and 14/3 of Injambakkam Village which stand classified as Meikkal Poromboke (i.e., Grazing Ground).

15) On behalf of the Govt. CMDA/ TNIDF engaged the consultant, M/s.Wilbur Smith Associates Pvt. Ltd., (M/s.WSAPL) during Feb'03 to make an elaborate study on this subject and to suggest suitable recommendations.



Accordingly they submitted the report, 'Study on parking requirements for CMA Area'. This study made many recommendations to reduce the parking problems. One of its prime off street parking strategy is the construction of Multilevel parking complexes at some critical areas, such as T.Nagar, Parry's Corner, Anna Nagar, Adayar, Anna Salai, Nungambakkam and Velachery. Subsequently CMDA engaged a consultant M/s.Mecon Ltd., to prepare the Detailed Feasibility Report (DFR) for the Development of Multilevel parking complexes at six locations. CMDA has entrusted the work of Detailed Project Report (DPR) involving detailed Engineering design, cost analysis, tender documents etc., by engaging consultant M/s.Mecon Ltd for the Panagal Park site alone with a view of implementing the project at this site as a pilot project, since the same is greatly needed.

17) With regard to Ground (viii) and (ix), it is respectfully submitted that the appeals filed by the petitioner and others had already been rejected by the Tahsildar, Sholinganallur Taluk vide order in Procs.No.B1/5644/2025 dated 24.11.2024 and the petitioner is at liberty to file an appeal under section 10 of the Land Encroachment Act, 1905 against the order passed by the Tahsildar in Procs.B1/5644/2025 dated 24.11.2025. Instead of submitting his appeal before the District Collector, Chennai. The Full competitive Rent is to be collected from the petitioner for having occupied the Government land and utilising the same for commercial purpose.



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8. However, this Court is not inclined to adjudicate upon the merits involved in the matter of issuance of Section 7 notice. The scheme under the Encroachment Act contemplates prior notice to person in occupation of Government land. If any explanation is submitted it is to be considered by the competent Authority and final notice under Section 6 is to be issued and Section 6 states the liability of person unauthorizedly occupying land to summary eviction, forfeiture of crops etc., Thereafter, appeal would lie under Section 10 of the Act. Therefore, the Writ Petition is pre-mature and this Court is not inclined to entertain the Writ Petition.

9. The learned Senior Counsel appearing on behalf of the writ petitioner would submit that explanations were already submitted to the competent Authorities. Therefore, the Authorities shall consider the same, take final decision and thereafter proceed with the enforcement actions by following the procedures as contemplated.

10. With the above observations all the Writ Petitions are **dismissed**. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S,J.,) (C.K,J.,)
10.12.2025

Index: Yes / No
Internet: Yes / No
dsa

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To:

1. Additional Chief Secretary,
State of Tamil Nadu,
Revenue and Disaster Management Department,
Fort St. George, Chennai – 600 009.
2. Secretary,
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S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

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