



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 13630 of 2026

Colonel K Malaiappan (retired)

Petitioner(s)

Vs

1. Union Of India

Represented by its Secretary to
Government, Ministry of Defence,
Government of India, South Block,
DHQ Post, New Delhi - 110 011.

2.The Chief of the Army Staff,
South Block, DHQ Post,
New Delhi - 110 011.

3.The Director General Defence
Estates,
Government of India, Ministry of
Defence, Raksha Sampada Bhawan,
Ulaan Baatar Marg, Delhi Cantonment,
New Delhi - 110 010.

4.The General Officer Commanding,
HQ Dakshin Bharath Area, Island
Grounds, Chennai - 600 009.

5.The Defence Estates Officer,
Government of India, Ministry of
Defence, Teynampet, Anna Salai,
Chennai - 600 018.

6.The Madras Gymkhana Club (MGC)
Island Grounds, Anna Salai,
Chennai - 600 018.

Respondent(s)

PRAYER: Petition filed under Article 226 of Constitution of India, directing the 5th respondent viz The Estate Officer, Defence Estate Office, Madras Circle to dispose the recovery and eviction proceedings dated 29.12.2022 and 16.02.2023 initiated in EQ/Q11/1/MC/Dated 16.02.2023 in a time bound manner as requested by the representation dated 24.01.2026.



For Petitioner(s): Mr.Zaffarullah Khan
For Respondent: Mr.AR.L.Sundaresan, ASG
assisted by Mr.Rajesh Vivekanandan, Deputy
ASG for R1 to R5
Mr.Arvind P.Dattar, Senior Counsel
for Ms.A.Vidya for Viruksham Legal for R6

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This petition has been filed for a direction, directing the 5th respondent viz The Estate Officer, Defence Estate Office, Madras Circle to dispose the recovery and eviction proceedings dated 29.12.2022 and 16.02.2023 initiated in EQ/Q11/1/MC/Dated 16.02.2023 in a time bound manner as requested by the representation dated 24.01.2026.

3. It is the case of the petitioner that the petitioner is a Garrison member of the sixth respondent club which is registered under the provisions of Societies Act, 1860. Initially larger extent of land was let out to the sixth respondent and the lease was extended upto 30.11.2003, thereafter, the fifth respondent initiated eviction proceedings to evict the 6th respondent from the demised property, the Army Headquarters also sent a communication to the fifth respondent to conclude the proceedings expeditiously and the petitioner also sent a representation on 24.01.2026 for disposing the recovery and eviction



proceedings, which is pending without consideration. Hence, this writ petition.

WEB COPY

4. The learned senior counsel for the sixth respondent club submitted that lease was between the official respondents and the sixth respondent, after expiry of the lease period, the fifth respondent initiated eviction proceedings as against the sixth respondent, however, now, there is a proposal for extension of lease pending before the first respondent, if at all, the petitioner has any grievance, he may approach the first respondent not by filing a writ petition before this Court.

5. The learned Additional Solicitor General would submit that if there is a proposal for fresh lease deed pending on the file of the first respondent, decision may be taken by the first respondent for extension of lease after providing opportunity to the petitioner as well as the sixth respondent.

6. Heard both sides and perused the materials placed on record.

7. Admittedly, the facts in the present case are not in dispute. The sixth respondent Club is in occupation of the lands of the official respondents, after expiry of lease period, the fifth respondent initiated eviction proceedings and the petitioner being the Garrison member of the sixth respondent club filed the instant writ petition for implementation of the eviction proceedings, however, now, the learned senior counsel for the sixth respondent club submitted that the



sixth respondent has made a proposal for extension of lease. Such view of the matter, if at all, there is any grievance for the petitioner, the petitioner may approach the first respondent and the first respondent shall take a decision after providing opportunity to the petitioner as well as the sixth respondent.

8. Accordingly, this writ petition stands disposed of. No costs.

15-04-2026

dhk

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Secretary to Government
Union Of India
Ministry of Defence, Government of India,
South Block, DHQ Post, New Delhi - 110 011.

2. The Chief of the Army Staff,
South Block, DHQ Post, New Delhi - 110 011.

3. The Director General Defence Estates,
Government of India, Ministry of Defence,
Raksha Sampada Bhawan, Ulaan Baatar Marg,
Delhi Cantonment, New Delhi - 110 010.

4. The General Officer Commanding,
HQ Dakshin Bharath Area, Island Grounds,
Chennai - 600 009.

5. The Defence Estates Officer,
Government of India, Ministry of Defence,
Teynampet, Anna Salai, Chennai - 600 018.



WEB COPY

WP No. 13630 of 2026



M.DHANDAPANI J.

dhk

WP No. 13630 of 2026

15-04-2026