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W.A.No.1206 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2026

CORAM

THE HON'BLE Mr. JUSTICE S.M. SUBRAMANIAM
AND
THE HON'BLE Mr. JUSTICE K. SURENDAR

W.A.No.1206 of 2023

AND

C.M.P.No.12281 of 2023

Kalakshetra Foundation
Rep. by its Director
Kalakshetra Road, Thiruvannamiyur
Chennai 600 041

.. Appellant

Vs.

1.The Secretary to Government
Revenue Department
Fort St. George, Secretariat
Chennai 600 009

2.The Commissioner
Corporation of Chennai
Ripon Building, Chennai 600 003

3.The Commissioner
Land Administration (Admn.)
Chepauk, Chennai 600 005

4.The Executive Engineer
Zone-13, Zonal Division
Corporation of Chennai
Regional Deputy Commissioner (South)
115, Dr.Muthulakshmi Salai
Adyar, Chennai 600 020

.. Respondents



W.A.No.1206 of 2023

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 12.06.2023 passed in W.P.No.5571 of 2023.

For Appellant : Mr.K.Manoj Menon
For Respondents : Mr.T.Arun Kumar
Additional Government Pleader for R1
: Mr.R.Ramanlaal
Additional Advocate General
Assisted by Mrs.S.Vanitha Joice Rani
Standing Counsel for RR2 to 4

J U D G M E N T

(Delivered by S.M.SUBRAMANIAM, J.)

Under assail is the writ order dated 12.06.2026 passed in W.P.No.5571 of 2023.

2.The appellant viz., Kalakshetra Foundation instituted the writ petition seeking a direction to act in accordance with the recommendations of the Commissioner, Land Administration, in letter dated 29.01.2010 and to forbear and restrain the Commissioner, Corporation of Chennai, from proceeding with the survey or laying any road for vehicular traffic on the pedestrian pathway measuring 1.46 acres in survey Nos.173/3, 179/3 and 180/2 of Thiruvanmiyur Village, Mylapore-Triplicane Taluk, Chennai District.



3. There was a pathway within the campus of Kalakshetra Foundation measuring about 2.34 acres and this pathway was earlier used as an access to the burial and cremation ground in survey Nos.178/1 and 179/4. At the request of the Kalakshetra Foundation, the Government leased the pathway for a period of 25 years from the year 1967 to 1992, on condition that the pathway will be used as an access to the burial and cremation ground and funeral procession was passing through the campus. Due to urbanisation in Chennai city, several changes occurred and people started using the road as a connecting road, since residential buildings are constructed in large scale in that locality.

4. The fact remains that the pathway measuring about 1.46 acres of vandi battai (cart tack) poramboke lands in survey Nos.173/3, 179/3 and 180/2, Thiruvanmiyur Village in revenue records was being utilised by pedestrian public to access from communities of Thiruvanmiyur Kuppam residents to L.B.Road, Thiruvanmiyur Market and Bus Terminus. When the people in that locality are using the road for more than six decades and this road being mainly used to reach Thiruvanmiyur Kuppam, wherein, more than 2500 families are residing, there was a huge objection from the local people that the said road should not be assigned or granted for the exclusive usage of the Kalakshetra Foundation.



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5.The Kalakshetra Foundation submitted a representation offering an alternate land in lieu of the subject pathway, for public use. The alternate land for the pathway offered by the Kalakshetra Foundation was considered by the competent authority and the Commissioner, Greater Chennai Corporation, passed an order *vide* proceedings dated 19.11.2025, stating that when a meeting was conducted between the parties and the people residing in that locality, a strong opposition from the Panchayat Head of Thiruvanmiyur Kuppan Fisherman Community and the general public were raised to accept the alternate pathway offered by the Kalakshetra Foundation. Further, Thiruvanmiyur Panchayat has also submitted an objection letter.

6.Taking note of the field situation and the sentiment of the residents of that locality, the authorities have considered the advantages of the existing road being used by the public as well as the hindrance in accepting the alternate pathway offered by the Kalakshetra Foundation. The advantages of the existing road are stated as follows:

1. As per revenue records, it is vandipathai for a decade.
2. It is an usage of 2500 families of fisherman community.
3. Easy accessiblity for school going children.
4. Connectivity to other main places are hassle free.
5. Traffic congestion less.



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Hindrance of alternate pathway are stated as follows:

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1. The entire land area of 2.04 acres belongs to Kalakshetra Foundation and relaying of road by Greater Chennai Corporation is heavy financial loss.
2. Southern side of alternate pathway which includes the burial ground and temple encroachment of Greater Chennai Corporation which cause hindrance to public and law and order issue.
3. Strong opposition from Panchayat head of Thiruvanmiyur Kuppam Fisherman Community and general public for the alternate pathway proposed by Kalakshetra Foundation during the enquiry.

7.The reasons stated regarding the advantages of the existing road as well as the hindrance of alternate pathway offered by the Kalakshetra Foundation, this Court is of the considered view that the authorities have considered the proposal on merits and in consultation with the parties including the public residing in that locality. Thus, it would be sufficient to meet the rules of natural justice and that apart, the authorities have applied their mind and taken a decision not to accept the alternate pathway offered by the Kalakshetra Foundation.

8.The learned Single Judge also elaborately considered the scope as well as the right of Kalakshetra Foundation and made a finding that there is no manifest



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arbitrariness regarding the decision taken by the competent authorities. That apart, the Kalakshetra Foundation cannot claim exclusive usage of the public road or assignment of the public road in their favour as an absolute right. It is the discretion of the Government to consider the application and take a decision.

9.In the present case, the proposal of alternate pathway submitted by the appellant/Kalakshetra Foundation was considered in all respects, in consultation with the parties and by conducting meetings and a decision has been arrived, not to accept the offer.

In view of the above factum, this Court does not find any infirmity in respect of the writ order and consequently, this writ appeal stands dismissed. No costs. Connected C.M.P. is closed.

(S.M.S,J.) (K.S., J.)
11.03.2026

Index : Yes
Neutral Citation : Yes/No
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