

C.R.P.Nos.5506 & 6059 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
RESERVED ON : 26.02.2026**

DELIVERED ON : 10.04.2026

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P.Nos.5506 & 6059 of 2025

and

C.M.P.Nos.27702 & 29893 of 2025

C.R.P.No.5506 of 2025:

M.Srinivasan

... Petitioner

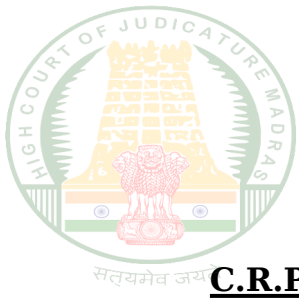
Vs.

The Estate Officer,
Chennai District,
(Tamil Nadu Public Premises
Eviction of Unauthorised Occupants Act, 1975),
th
4 floor, Chennai Collectorate,
Chennai.
Respondent

...

PRAYER: Civil Revision Petition filed under Article 227 of the
Constitution of India, praying to set aside the order passed by the
Principal Sessions Judge, City Civil Court at Chennai in C.M.A.No.9
of 2025 dated 12th September, 2025 and allow the present Civil
Revision Petition.

1/40



C.R.P.Nos.5506 & 6059 of 2025

C.R.P.No.6059 of 2025:

WEB COPY

M/s.Gopal Naicker and Sons,
Rep. by its Partner Mr.Harikrishnan and C.V.Baskar,
No.1, Cochrane Basin Road,
Chennai – 600 021. ... Petitioner

Vs.

The Estate Officer,
Chennai District,
(Tamil Nadu Public Premises
Eviction of Unauthorised Occupants Act, 1975),
th
4 floor, Chennai Collectorate,
Chennai. ...
Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the
Constitution of India, praying to set aside the order passed by the
Principal Sessions Judge, City Civil Court at Chennai in
C.M.A.No.10 of 2025 dated 12th September, 2025, confirming the
order passed by the respondent in his proceedings dated
17.03.2025 Proc.J6/65759/1995 and allow the present Civil
Revision Petition.

For Appellants : Mr.B.Kumar,



WEB COPY



C.R.P.Nos.5506 & 6059 of 2025

Senior Counsel
for Mr.A.K.Raghavulu
[In C.R.P.No.5506/25]

: Mr.R.Parthasarathy,
Senior Counsel
for Mr.A.K.Pradeep
[In C.R.P.No.6059/25]

For Respondent : Mr.R.Ramanlaal,
Additional Advocate General,
Assisted by Mr.T.Arunkumar,
Additional Government Pleader
[In both C.R.Ps.]

COMMON ORDER

The revision petitioners, aggrieved by the judgment of the Principal Sessions Judge, City Civil Court, Chennai in the respective C.M.A.Nos.9 of 2025 and 10 of 2025, have come up by way of these revision petitions.

2.I have heard Mr.B.Kumar, learned Senior Counsel for Mr.A.K.Raghavulu, learned Counsel for the revision petitioners in C.R.P.No.5506 of 2025, Mr.R.Parthasarathy, learned Senior Counsel for Mr.A.R.Pradeep, learned Counsel for the revision petitioners in C.R.P. No.6059 of 2025 and Mr.R.Ramanlaal, learned Additional Advocate General, assisted by Mr.T.Arunkumar, learned Additional Government Pleader appearing for the respondents.

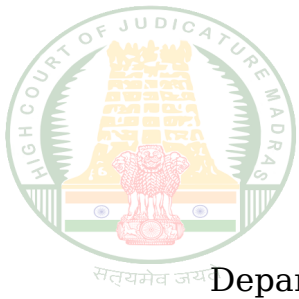


WEB COPY

3.As these revisions are connected and arises out of similar proceedings pertaining to the very same subject matter, with the consent of all the learned counsel, the revisions have been heard together.

4.Brief facts leading to the present revision petitions are as follows:

4.1.The revision petitioners claim that an extent of 43 grounds and 1868 sq.ft was originally given by way of a Government Grant to Gopal Naicker and sons [revision petitioners in C.R.P.No.6059 of 2025], way back in the year 1884. The said Gopal Naicker and sons had put up an iron casting foundry and have been in lawful occupation of the said property comprised in R.S.Nos.1801, 1802/4 and 1802/14. According to the petitioners, in 1903, sons of Gopal Naicker entered into a registered partition deed, registered as Document No.1213 of 1903. There was a partition suit in C.S.No.135 of 1965, in which proceedings, an extent of 10 ground fell to the share of the said C.L.Madhanagopal, which was also affirmed in a subsequent compromise decree dated 30.10.1990 in C.S.No.947 of 1990. The property tax as well as electricity consumption charges are being paid by the revision petitioners.



C.R.P.Nos.5506 & 6059 of 2025

4.2.The Government, under G.O.Ms.No.1696, Revenue Department dated 04.06.1959, has confirmed the Grant dated 31.03.1888, being a lease for 43 grounds, for an indefinite period, in favour of Gopal Naicker and sons. The petitioners have been assured of peaceful possession of the said lands without any disturbance, unless it is required for any public purpose or for any other grave reasons. A portion of the lands were acquired for public purpose for establishing a play ground for Subbarayan Nadar Higher Secondary School and it was only the original grantees who were paid compensation in terms of the provisions of the Land Acquisition Act. A request that emanated from the Collector of Madras for capping the tenure of lease in respect of the remaining lands, post acquisition was also negated by the State Government, affirming that the lease was of a permanent nature.

4.3.In the mean time, the District Collector issued a show cause notice on 15.10.2018, seeking resumption of lands. The said order was challenged before the Commissioner of Land Administration. However, the said challenge was unsuccessful with the appeal being dismissed on 20.10.2020. The petitioners filed W.P.Nos.17027 of 2020 and 66 of 2021, which were dismissed by the Writ Court. However, as against the said dismissal of the Writ



C.R.P.Nos.5506 & 6059 of 2025

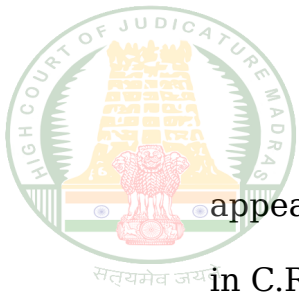
Petition, Writ Appeals are pending in W.A.No.2535 of 2023 & 2194 of 2023.

WEB COPY

4.4.In the Writ Appeal proceedings, a common order was passed in respect of the revision petitioners recording that the State Government is at liberty to resort to the provisions of the Tamil Nadu Public Premises [Eviction of Unauthorised Occupants] Act, 1975 [hereinafter referred as 'State PP Act for convenience']. Insofar as the petitioner in C.R.P.No.5506 of 2025, no conditions were imposed, directing any deposit of money. However, in respect of C.R.P.No.6059 of 2025, the Hon'ble Division Bench directed deposit of Rs.1 crore, besides other directions. Proceedings were initiated under the PP Act and the Estate Officer by order dated 17.03.2025 directed the revision petitioners to vacate and hand over possession to the District Collector.

4.5.Aggrieved by the order of the Estate Officer, the petitioners filed C.M.A.Nos.9 & 10 of 2025, respectively. The Principal City Civil Court, Chennai confirmed the orders of the Estate Officer and dismissed the appeals, as against which the present Civil Revision Petitions have been filed.

5.Contentions of Mr.B.Kumar, learned Senior Counsel



C.R.P.Nos.5506 & 6059 of 2025

appearing for Mr.A.K.Raghavulu, learned Counsel for the petitioner
in C.R.P.No.5506 of 2025:

WEB COPY

5.1.There is no public premises involved in the present case, for the Estate Officer to invoke the provisions of the PP Act. In this regard, Mr.B.Kumar, learned Senior Counsel has taken me through the provisions of the Central Act, namely The Public Premises [Eviction of Unauthorised Occupants] Act, 1971, as well as the State enactment, namely, Tamil Nadu Public Premises [Eviction of Unauthorised Occupants] Act, 1975, to drive home his arguments that the provisions are *pari materia*. Mr.B.Kumar, would specifically take me through the definitions of 'premises' under Section 2(d), 'public premises' under Section 2(e) and 'unauthorised occupation' under Section 2(g).

5.2.His primordial submission is that the Government themselves wrongly invoked the provisions of the Land Encroachment Act, 1905 and the said proceedings were dropped without any further action being taken, especially after an effective reply was given by the revision petitioner and it is therefore, his submission that when both the Land Encroachment Act as well as the Public Premises [Eviction of Unauthorised Occupants] Act, 1971, [hereinafter referred to as Central PP Act, for convenience] occupy different fields altogether, the very invocation of the



C.R.P.Nos.5506 & 6059 of 2025

provisions of the Act was fallacious and unsustainable.

WEB COPY

5.3. Drawing my attention to Section 4(3) of the Act, Mr.B.Kumar, would state that before issuing a notice invoking section 4, in order to seek eviction of unauthorised occupants, the Estate Officer has to satisfy the grounds on which the order of eviction is proposed to be made and thereafter, issue a show cause notice and conduct fair enquiry. In this regard, it is his submission that the show cause notice does not make out any justifiable grounds in the first place and therefore, there is a violation of mandate of Section 4(2)(a) of the Central PP Act.

5.4. With specific reference to definition of 'public premises' under Section 2(e), Mr.B.Kumar, would state that it is nobody's case that the revision petitioners had been given a lease on behalf of the Government or any company defined under Section 3 of the Companies Act, 1956, in which, company not less than 51% of the capital is held by the Government. With regard to the definitions under Section 2 as well as requirements under Section 4, Mr.B.Kumar, would state that the PP Act itself would have no application to the facts of the present case, since the revision petitioner was given a Grant was only in respect of the land alone and the structure in the form of a factory has been put up only by



C.R.P.Nos.5506 & 6059 of 2025

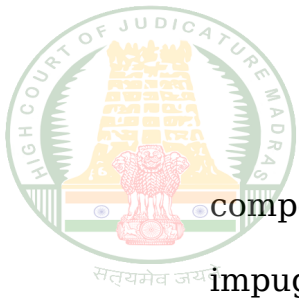
the revision petitioners.

WEB COPY

5.5.As an argument in demurer, Mr.B.Kumar, would contend that, if at all, without admitting that the provisions of the PP Act would apply to the lands of the petitioner, even then, the PP Act is not retrospective in nature, especially when the Act does not specifically set out such retrospective application. The next argument placed by Mr.B.Kumar, learned Senior Counsel is that the Grant in favour of the revision petitioner involves property rights and under Section 300-A of the Constitution of India as well, the petitioner is entitled to protection.

5.6.It is also his submission that The Tamil Nadu Lease-holds (Abolition and Conversion into Ryotwari) Act, 1963 (Act 27 of 1963), would alone apply to the facts of the case and without taking recourse to the provisions of the said Act, the respondents could not have taken any steps to recover possession of the property from the petitioners.

5.7.The next argument of Mr.B.Kumar, learned Senior Counsel is that when it is the Government which alone has granted the lands in favour of the revision petitioner, the Estate Officer exercising jurisdiction under the State PP Act will not be the



C.R.P.Nos.5506 & 6059 of 2025

competent person to initiate proceedings, much less pass the impugned order. To sum up the arguments of Mr.B.Kumar, in short, Public Premises Act has been incorrectly invoked and in any event there is neither any public premises nor any unauthorised occupation for any punitive action to be initiated against the revision petitioner. The proceedings under the PP Act are summary in nature and substantial rights involving immovable property cannot be decided under such summary proceedings contemplated under the PP Act.

5.8.Mr.B.Kumar, learned Senior Counsel, in support of his submissions, has relied on the following decisions:

1) *N.Padmamma & others Vs. S.Ramakrishna Reddy & others* reported in 2008 (15) SCC 517.

2) *Secretary, Tanjore Union Club Vs. Estate Officer, Thanjavur City Municipal Corporation*, reported in 2022 SC Online Mad 1957.

3) *Teri Oat Estates P.Ltd., Vs. U.T.Chandigarh & others* reported in 2004 (2) SCC 130.

4) *Kolkatta Municipal Corporation & Another Vs. Bimal Kumar Shah & others* reported in 2024 (1) SCC 533.

5) *State of UP & others Vs. Maharaja Dharmander Prasad Singh & others and Lucknow Development Authority*



C.R.P.Nos.5506 & 6059 of 2025

& others Vs. Maharani Rajalaxi Kumari Devi & others

reported in **1989 (2) SCC 505.**

WEB COPY

6) Government of Andhra Pradesh Vs. Thummala Krishna Rao & another reported in **1982 (2) SCC 134.**

7) Asma Lateef & another Vs. Shabbir Ahmed & others reported in **2024 (4) SCC 696.**

8) G.Manikyamma & others Vs. Roudri Co-op Housing Society reported in **2014 (15) SCC 197.**

9) Western Coal Fields Vs. Ballarpur Collieries reported in **2019 (2) SCC 327.**

10) Suhas H Pophale Vs. Oriental Insurance Company Limited and its Estate Officer reported in **2014 (4) SCC 657.**

11) K.Kathalingam Vs. State of Tamil Nadu reported in **1983 (III) CTC 636.**

12) Express News Paper Pvt. Ltd., Vs. Union of India, reported in **1986 (1) SCC 133.**

13) State of Uttar Pradesh (Now Uttarakhand) Vs. Rabindra Singh reported in **2009 INSC 623**

14) Baldeo Raj Vs. State of Uttar Pradesh & others reported in **1984 SCC Online ALL 310.**

15) Kaikhosrou (Chick) Kavasji Framji Vs. Union of India & another reported in **(2019) 20 SCC 705.**



C.R.P.Nos.5506 & 6059 of 2025

16) Srinivasan & 6 others Vs.

Sri.Madhayarjuneswaraswami & 5 others reported in 1998 (I)

CTC 630.

WEB COPY

6.Arguments of Mr.S.Parthasarathy, learned Senior Counsel appearing for Mr.A.R.Pradeep, learned Counsel for the petitioner in C.R.P.No.6059 of 2025:

6.1.Apart from advancing arguments on the same lines on which Mr.B.Kumar, learned Senior Counsel has projected the case of the revision petitioner in the other petition, additionally, Mr.S.Parthasarathy, invites my attention to the Civil Suit filed by the revision petitioner in C.S.No.861 of 1999, where this Court recognised the right and possession of the revision petitioner and granted an interim injunction until further orders. He would however, fairly bring to my notice that though the suit was dismissed for non-prosecution, however subsequently, it was restored to file and the interim order would also therefore revive.

6.2.The revision petitioner is in settled possession of the lands and not been called upon to pay any rent ever since the grant was made in 1888.

6.3.Eventhough the order of resumption was unsuccessfully



C.R.P.Nos.5506 & 6059 of 2025

challenged before this Court, he would state that Writ Appeals are pending and therefore, the issue has not attained finality. Further, as directed in the Writ proceedings, the petitioner has admittedly deposited a sum of Rs.1 Crore.

6.4.In support of his submission Mr.S.Parthasarathy, learned Senior Counsel relied on the Full Bench judgment in the case of ***Thavvala Veeraswami Vs. Pulim Ramanna & others*** reported in ***AIR 1935 Mad 365*** and ***Ishrat Jahan Vs. Vth A.D.J. & Ors*** in ***W.P.No.4263 of 2004*** dated ***24.09.2004***.

7.Arguments of Mr.R.Ramanlal, learned Additional Advocate General, assisted by Mr.T.Arunkumar, learned Additional Government Pleader appearing for the respondent:

7.1.At the outset, the revisions invoking Article 227 of the Constitution of India are not maintainable, especially when the petitioners have not shown any lack of jurisdiction or perversity in the findings of the Estate Officer as well as the Principal Sessions Judge, City Civil Court, Chennai.

7.2.Points touching factual matrix which were not agitated either before the Estate Officer or before the appellate court are



C.R.P.Nos.5506 & 6059 of 2025

now being raised for the first time and canvassed in revision, which is impermissible, that too, under Article 227 of the Constitution of India.

WEB COPY

7.3.The order of the Collector was unsuccessfully challenged before the Writ Court and though the matter is now pending before the Division Bench in Writ Appeal, there is no interim stay or protection to the petitioners and in such circumstances, substantive rights of the revision petitioners have already been tested in collateral proceedings and it is not open to the petitioners to agitate the very same issues in these revision petitions.

7.4.Inviting my attention to Sections 2(d) and 2(e) of the PP Act, defining 'premises' and 'public premises' respectively, Mr.R.Ramanlal, learned Additional Advocate General, would state that the definition of 'public premises' should be read along with the definition of 'premises' under Section 2(d) and therefore, it would also include a case of land as well and in such circumstances, the arguments advanced by Mr.B.Kumar, learned Senior Counsel that the Act will have no application is without any merit.



C.R.P.Nos.5506 & 6059 of 2025

7.5.Under Section 10 of the PP Act, finality is provided for specifically and being a self-contained Code and when a fair opportunity was given to the revision petitioners by invoking Section 4 in the manner prescribed under the Act, it is not open to the revision petitioners to challenge the proceedings under Article 227 of the Constitution of India.

7.6.The petitioners are in huge arrears of lease rent to the respondent and when revenue recovery proceedings were initiated, the challenge by way of writ petition was unsuccessful. Further, according to learned Additional Advocate General, as on date, the petitioners are due more than Rs.30 crores to the Government.

7.7.Meeting the arguments of Mr.S.Parthasarathy, learned Additional Advocate General would state that the suit that was filed and referred to where an injunction was also granted was only relating to a challenge to the proceedings under the Revenue Recovery Act and nothing more and even the injunction that was granted was only to refrain the official respondents from taking the revenue recovery proceedings.

7.8.As regards the jurisdiction of the Estate Officer, learned Additional Advocate General would contend that the Estate Officer



C.R.P.Nos.5506 & 6059 of 2025

has been conferred with powers under G.O.(P).No.2598 dated 19.11.1978 and therefore, there is nothing improper or irregular in the exercise of power by the Estate Officer in taking action under the provisions of the PP Act.

WEB COPY

7.9.Inviting my attention to the order passed by the Hon'ble Division Bench, permitting the respondents to proceed to take action under the Public Premises Act, Mr.Ramanlaal, learned Additional Advocate General would state that the said order was passed in the presence of the revision petitioners and they have acquired themselves with the maintainability of proceedings under the PP Act and virtually submitted to the jurisdiction under the Act and therefore, it is not today open to them to contend that the Act will have no application.

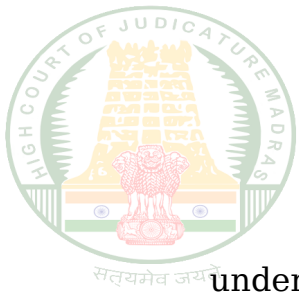
7.10.As regards compensation paid by the Government to the grantee, it is the submission of the learned Additional Advocate General that the compensation was not paid in respect of S.Nos.1801, 1802/4 and 1802/14, but in respect of a totally different land, comprised in different survey numbers and therefore, the fact that compensation was paid to the petitioners has totally no connection to the subject lands in question.



C.R.P.Nos.5506 & 6059 of 2025

7.11.The grant was only in the nature of a lease and it was in respect of the entire 43 grounds and behind the back of the Government, the revision petitioners have filed Civil Suits and effected partitions and now, projecting independent claims, one in respect of 10 grounds, revision petitioner in C.R.P.No.5506 of 2025 and one in respect of 8 grounds in C.R.P.No.6059 of 2025. He would further state that when admittedly, the State is not a party to any of these partition proceedings, it will not bind the respondent in any manner.

7.12.Referring to the Grant, Mr.Ramanlal, learned Additional Advocate General would state that it is not as if the lease was permanent in nature and any assurance was given to the revision petitioners that they will never be disturbed, that is since 1888. He would state that it was always open to the State to take action in a manner known to law to resume possession. Here according to the learned Additional Advocate General, the lands are required for a laudable public purpose and when there has been sub-letting by the petitioners, it is also amounting to violation of the grant conditions and all these facts have been duly assessed by the Writ Court while dismissing the Writ Petition filed by the revision petitioners.



C.R.P.Nos.5506 & 6059 of 2025

7.13. Having admitted the lease in their favour, estoppel under Section 116 of the Indian Evidence Act, 1872, would operate against them and today, it is not open to the petitioners to contend that there is no grant by way of lease and that the petitioners are the owners. He would state that, it is not open to the lessee to deny the title of the Government. In fact, according to the learned Additional Advocate General, for the first time, in W.P. [MD]Nos.17027 of 2020 and 66 of 2021, alone, there has been a claim of ownership made by the revision petitioners.

7.14. He would also refer to the 1959 proceedings, in and whereby, the Government has turned down the request of the original grantee, Gopal Naicker and sons, vide petition dated 12.10.1959, for assignment of lands in their favour and for stay of the operation of G.O.Ms.No.1696, Revenue dated 04.06.1959. In fact, it is the further submission of Mr.Ramanlaal, learned Additional Advocate General that the petitioners have even suppressed the 1959 proceedings, not only before the Writ Court but also before the Estate Officer, as well as in the appeal before the Principal City Civil Court, Chennai.

7.15. As regards Mr.B.Kumar's arguments, insofar as the necessity to resort to The Tamil Nadu Lease Holders [Abolition and



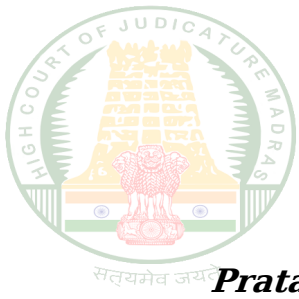
C.R.P.Nos.5506 & 6059 of 2025

Conversion into Ryotwari] Act, 1963, Mr.Ramanlaal, would contend that the said Act has no application. Inviting my attention to the notification under the Rules to the said enactment, Mr.Ramanlaal, would state that the subject lands are not covered under the notification and therefore, the Act has no application to the subject lands. As regard the arguments complaining violation of Article 300-A of the Constitution of India, Mr.Ramanlaal, learned Additional Advocate General would state that the revision petitioners are only lessees and no rights of property have been infringed in any manner, especially since the Government alone is the owner of the subject lands and revision petitioners are mere encroachers. He would therefore state that neither Article 300-A nor Article 14 would have any application to the facts of the present case.

7.16.In support of his submissions, learned Additional Advocate General has relied on the following decisions of the Hon'ble Supreme Court:

1) Maganlal Chhaganlal (P) Ltd., Vs. Municipal Corporation of Greater Bombay and others reported in (1974) 2 SCC 402.

2) Life Insurance Corporation of India & another Vs. Vita reported in 2025 SCC Online SC 2772.



C.R.P.Nos.5506 & 6059 of 2025

3) *Laxmikant Revchand Bhojwani & another Vs.*

Pratapsing Mohansingh Pardeshi reported in (1995) 6 SCC 576.

WEB COPY

ANALYSIS:

8.I have carefully considered the submissions advanced by both the learned Senior Counsel for the revision petitioners and the learned Additional Advocate General appearing for the respondents. I have also gone through the records as well as the decisions on which reliance has been placed by both the learned Senior Counsel as well as the learned Additional Advocate General.

9.The Public Premises [Eviction of Unauthorised Occupants] Act, 1971 was introduced for providing a mechanism for eviction of unauthorised occupants from public premises and for incidental matters. The State of Tamil Nadu, on similar lines passed the Tamil Nadu Public Premises [Eviction of Unauthorised Occupants] Act, 1975, with the very same objects on which the Central Act came to be promulgated. In view of the arguments advanced on either side, it would be relevant to extract the definition of 'premises' under Section 2(d), definition of 'public premises' under Section 2(e) and definition of 'Unauthorised Occupant' under Section 2(g). The same

20/40



WEB COPY



C.R.P.Nos.5506 & 6059 of 2025

are usefully extracted hereunder:

*2(d) “**premises**” means any land or any building or hut or part of a building or hut and includes,-*

(i) gardens, grounds and outhouses, if any, appertaining to such building or hut for the more beneficial enjoyment thereof;

(ii) any fittings affixed to such building or hut or part of a building or hut for the more beneficial enjoyment thereof;

*2(e) “**public premises**” means any premises belonging to, or taken on, lease or requisitioned by, or on behalf of, the Government, and includes-*

(1) any premises belonging to, or taken on lease by, or on behalf of -

(i) any company as defined in Section 3 of the Companies Act, 1956 (Central Act 1 of 1956) in which not less than fifty one percent of the paid-up share capital is held by the Government; and

(ii) any corporation (not being a company as defined in Section 3 of the Companies Act, 1956 (Central Act 1 of 1956) or a local authority) established by or under any law and owned or controlled by the Government; and

(2) any premises belonging to, or vested in, a local authority or any Board constituted



WEB COPY

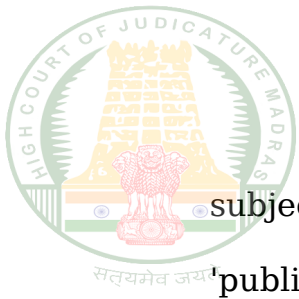


C.R.P.Nos.5506 & 6059 of 2025

under any law;

*2(g) “**unauthorised occupation**” in relation to any public premises, means the occupation by any person of the public premises without authority for such occupation and includes the continuance in occupation by any person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever.*

10.It is the primordial submission of the learned Senior Counsel appearing for the revision petitioners that the grant in favour of Gopal Naicker in 1888, was only in respect of vacant lands and the same will fall outside the scope of definition of 'public premises' under State PP Act. However, I am unable to accept the said arguments advanced by the learned Senior Counsel for the revision petitioners. 'Premises' is defined to include not only building or hut or part of a building or hut but also land. 'Public Premises' has been defined to be any premises belonging to or taken on lease or requisitioned by or on behalf of the Government. It is an inclusive definition and the definition of 'Public Premises' should also take its fold 'Premises' as well. Thus, reading Section 2(d) and 2(e) together, I do not see how the vacant lands being



C.R.P.Nos.5506 & 6059 of 2025

subject matter of the Grant would not fall within the scope of 'public premises' defined under Section 2(e).

WEB COPY

11.Even insofar as unauthorised occupation, it includes a person in occupation of public premises without authority and also persons who continue to occupy public premises, after the authority under which the said person was allowed to occupy has expired, or has been determined for any reason whatsoever. In the present case, the revision petitioners have been slapped with a show cause notice under Section 4, calling upon the revision petitioners as to why they should not be proceeded against for eviction. The strong thrust of arguments advanced by learned Senior Counsel for the revision petitioners is that the revision petitioners are the absolute owners, their rights have been recognised even by the State, while paying compensation for lands acquired from them and when there is no lease in the first place, the question of invoking the provisions of Section 4 of the Act does not arise.

12.Insofar as the said claims asserting title and interest in the subject lands, I find that after the Grant was made in the year 1888, when the Government issued G.O.Ms.No.1696, Revenue Department dated 04.06.1959, portion of the lands in S.No.1802/4

23/40



C.R.P.Nos.5506 & 6059 of 2025

were exempted for the purpose of play ground for students of Subbarayan Nadar Higher Secondary School. It is seen that at that relevant point of time, the petitioners voluntarily approached the Government and sought the remaining lands in S.No.1802/4 & 1802/14, to be assigned to them besides reconsidering the decision to assign a portion of the lands in S.No.1802/4, for playground in and by a memorandum dated 12.11.1959 in Memorandum No.91173.A3/59-1. The Government has rejected the request of the revision petitioners. The revision petitioners have not chosen to challenge the said rejection. Thus, the said order has attained finality. The stand of the revision petitioners therefore, that they are owners, grant is perpetual and they are not lessees, automatically falls to the ground.

13.Coming to the grant itself, it clearly mentions that the grant was only by way of lease to Gopal Naicker and sons and having admittedly claimed under the said lease and moved the Government way back in the year 1959 as well for assignment of the very same subject lands in their favour, it is not open to the revision petitioners to turn around and deny the title of the Government. Section 115 of the Indian Evidence Act, dealing with estoppel would come into play and would apply in all force to the facts of the present case. Therefore, the contention of the revision

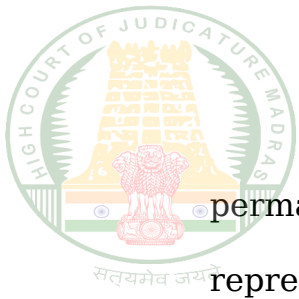


C.R.P.Nos.5506 & 6059 of 2025

petitioners that they are the owners and their rights have been protected in civil suit filed before this Court and further as owners they have partitioned the properties and are in separate enjoyment without any interference from any person whomesoever, as rightly contended by the learned Additional Advocate General that the partition deeds are amongst the family members / members of Gopal Naicker and sons alone and even the said suit was only in respect of the proceedings initiated against the revision petitioners.

14.Insofar as the suit in C.S.No.861 of 1999, it was only relating to the revenue recovery proceedings initiated against Gopal Naicker and sons. By interim order dated 25.04.2003, in C.S.No.861 of 1999, this Court granted an interim injunction against the State represented by District Collector as well as the Tahsildar, Thondayarpettai Taluk, from initiating revenue recovery proceedings, pursuant to proceedings dated 05.07.2002, that too subject to conditional order that Rs.5 Lakhs shall be deposited within two months and Gopal Naicker and sons would continue to pay Rs.15,000/- per month on or before 10th of every succeeding month.

15.In fact, I find that yet another suit was filed by Gopal Naicker and sons in O.S.No.1858 of 2018, seeking relief of



C.R.P.Nos.5506 & 6059 of 2025

permanent injunction to restrain the State of Tamil Nadu represented by District Collector, Revenue Divisional Officer and Tahsildar, from dispossessing the plaintiff, namely Gopal Naicker and sons from the suit schedule property. The said suit, despite the defendants remaining absent and set ex-parte was dismissed by judgment dated 09.10.2018.

16.I also find that Gopal Naicker also moved this Court in W.P.No.379 of 1999, challenging the proceedings initiated under the Revenue Recovery Act and this Court by order dated 19.03.1999, dismissed the Writ Petition, finding that the petitioner has not come to Court with clean hands and even through communication dated 25.09.1999, they have permitted to be lessees for a period of 99 years and in such circumstances, the said Gopal Naicker and sons cannot claim to be owners of the subject lands, claiming right under the 1888 grant. The said order of dismissal was challenged in W.A.No.621 of 1999 and the Hon'ble Division Bench, finding no error in the dismissal order, confirmed the same, giving liberty to the Government to conduct separate enquiry with regard to arrears of rent and sub-lease and directed the petitioner to appear for enquiry before the Tahsildar, Fort-Tondiarpet Taluk, by judgment dated 23.04.1999.



C.R.P.Nos.5506 & 6059 of 2025

WEB COPY

17. Thereafter, in proceedings No.J6/ 65759/1995 dated 19.06.2019, the District Collector referring to the earlier eviction notice dated 15.10.2018, moved for termination of lease and resumption of lands, citing violations of lease conditions. A reply to the said show cause notice was given by the Gopal Naicker and sons and the District Collector came to the conclusion that the stand taken by the lessee claiming right under C.S. 135/1965 partition amongst themselves, would not bind the Government, who is the true owner of the lands. Further, after unprecedented rain fall and flooding in entire city of Chennai in 2016, several lakhs of people have been affected and majority of those being Socio-economically downtrodden persons, working on daily wages, the Government has taken policy decisions for restoration of water bodies, removal of encroachments and rehabilitation of deserving families by constructing new tenements through Tamil Nadu Slum Clearance Board, finding that the subject lands would be ideal for meeting the said object and the fact that the petitioners are enjoying the Government property and have also violated the lease conditions by sub-letting the lands, directed resumption of the entire lands of an extent of 43 grounds and 1868 sq.ft.



C.R.P.Nos.5506 & 6059 of 2025

WEB COPY

18.An appeal was preferred by the revision petitioners before the Commissioner of Land Administration, Chennai – 5 and after considering the arguments of the revision petitioners in Proceedings No.E3/15827/2019 dated 27.10.2020, the Commissioner of Land Administration, dismissed the appeal petitions filed by the revision petitioners, as being devoid of merits and the order of the District Collector dated 19.06.2019 was confirmed. The said order of the Commissioner of Land Administration was challenged in W.P.Nos.17027 of 2020 and 66 of 2021. The Writ Court, by order dated 21.07.2023, dismissed both the Writ Petitions, upholding the orders of the District Collector as well as the Commissioner of Land Administration. This Court also took note of the vital admissions of the petitioners that the land belongs to the Government and that they were only lessees and even in a suit in CS.135/1965, the title of the property being with the State has been conceded by the petitioners themselves.

19.This said common order was challenged in W.A.Nos.2535 & 2194 of 2023. The Hon'ble Division Bench, by order dated 27.09.2023, passed an interim order. The said order assumes a lot of significance and relevance for the purpose of arriving at a decision in these Civil Revision Petitions. Hence, I am extracting

28/40



WEB COPY



C.R.P.Nos.5506 & 6059 of 2025

the operative portion of the order of the Division Bench:

“8.Considering the above, we pass the following order:

(i) The respondent authorities may proceed ahead with the proceedings under the Act of 1975 in accordance with law. The appellants can also participate in the said proceedings and file reply to the notice, a copy of which has been handed over to learned Counsel for the appellants;

(ii)The appellant in W.A.No.2194 of 2023 shall also deposit rupees one crore in the account of the Collector, Chennai. Upon deposit of the said amount, the respondent authorities shall open the lock and seal of the Foundry. The same is subject to the decision in the present appeals or in the proceedings under the Act of 1975; and

(iii) In case the proceedings under the Act of 1975 is not decided within one month, then the appellant in W.A.No.2194 of 2023 shall deposit Rupees fifty lakh on lapse of one month.”

20.As could be seen from the above order, the revision petitioner in C.R.P.No.6059 of 2025 was directed to deposit Rs.1 crore for enabling the authorities to remove the lock and seal of the Foundry and the Hon'ble Division Bench made it clear that such a direction would be subject to the final decision in the Writ Appeals

29/40



C.R.P.Nos.5506 & 6059 of 2025

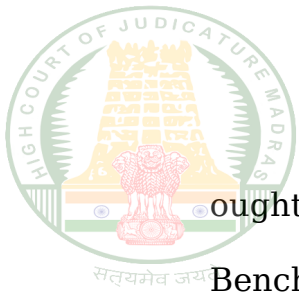
or in the proceedings initiated under the 1975 Act.

WEB COPY

21.Admittedly, the revision petitioner has complied with the said order. In the first clause, the Hon'ble Division Bench gave liberty to the authorities to proceed under the PP Act, in accordance with law. It was also made clear that the appellants, that is the revision petitioners herein, were at liberty to file reply to the show cause notice provided to them at the hearing before the Hon'ble Division Bench and participate in the enquiry. The Hon'ble Division Bench made it clear that in the event of the proceedings under the PP Act, not being decided within one month, then the revision petitioner in C.R.P.No.6059 of 2025, was directed to deposit further Rs.50 Lakhs on the lapse of one month. It is not brought to my notice as to whether the revision petitioner in C.R.P.No.6059 of 2025, has even complied with the said direction, since I find that the proceedings under the PP Act was concluded only on 17.03.2025.

22.Be that as it may, admittedly, the said order directing the proceedings to be taken and continued and the provisions of the PP Act was in the presence of the revision petitioners. If at all, it was their case that they are owners and the lands in question will not fall within the scope of the enactment itself, the petitioners either

30/40



C.R.P.Nos.5506 & 6059 of 2025

ought to have challenged the said order of the Hon'ble Division Bench by preferring an appeal before the Hon'ble Supreme Court or atleast, should have sought a review, contending that they are not obligated to go before the authorities under the PP Act as the Act, would have no application to them. Admittedly, neither of this has been done. I therefore find force in the submission of Mr.Ramanlal, learned Additional Advocate General that the revision petitioners are bound by the said order of the Division Bench and are now estopped from raising the issue of maintainability of proceedings under PP Act.

23.It is contended by Mr.B.Kumar, learned Senior Counsel that the Hon'ble Division Bench has only said that the authorities can go ahead with the proceedings under the Act, 1975, in accordance with law. Therefore, it was open to the petitioners to still contend that the Act would not apply. I am unable to agree with this line of arguments of the learned Senior Counsel. The incorporation of 'in accordance with law' only means that the action taken under the Public Premises Act would comply with the mandate of the said enactment and this cannot be construed as even giving liberty to the revision petitioners to question the very jurisdiction or application of the Public Premises Act in the first place. Therefore, I am of the considered opinion that the



C.R.P.Nos.5506 & 6059 of 2025

petitioners today cannot contend that the Public Premises Act cannot be invoked against them.

WEB COPY

24.As regards the assertion of ownership rights, in several of their communications including leading up to the civil suit in C.S.No.861 of 1999, the revision petitioners have admitted title of the Government and they have acknowledged the fact that they are only lessees. That is the reason why in 1969, portion of the lands were sought to be acquired for the purpose of playground for Subbarayan Nadar Higher Secondary School, the grantee Gopal Naicker and sons, sought for stay of the Government Order acquiring said lands and also sought for assigning the entire lands which are subject matter of the Grant. As rightly contended by Mr.Ramanlal, learned Additional Advocate General, the petitioners have also conveniently suppressed the proceedings of the year 1959, clearly with a view to gain undue advantage for themselves.

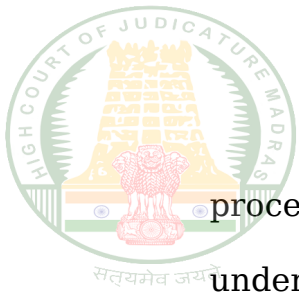
25.Even with regard to the contention that it is only Act 23 of 1963, that would have to be complied and not the Public Premises Act and with regard to the earlier conduct of the respondents in invoking the provisions of the Land Encroachment Act, 1905 and



C.R.P.Nos.5506 & 6059 of 2025

abandoning the same, as seen from the provisions of the Act 23 of 1963 as well as Rules framed thereunder, the application of the Act has not been extended to Fort-Tondiarpet, where the subject lands are admittedly situated and therefore, in such circumstances, the respondent is not obligated to take recourse to the provisions of the Act. Thus, I do not see any error committed by the respondents in taking action under the provisions of the Public Premises Act. The grant also clearly mentions that lands have been leased out to Gopal Naicker and sons and their request for assignment of these lands was also rejected way back in 1959. In such circumstances, the revision petitioners are only lessees, whose permission has also been revoked and therefore, there is no impediment for the respondents to proceed under the Public Premises Act.

26.More importantly, having challenged the order of resumption before the Writ Court, after exhausting the appeal remedy before the Commissioner of Law Administration, I do not see how the present revision petitions are even maintainable, that too under Article 227 of the Constitution of India. The very same issues have been agitated before the authorities as well as the Commissioner of Law Administration and before the Writ Court under Article 226 of the Constitution of India. Writ Petitions were dismissed and admittedly Writ Appeals are pending in which appeal



C.R.P.Nos.5506 & 6059 of 2025

proceedings, a direction was given for proceeding with the enquiry under the Public Premises Act.

WEB COPY

27.I find force in the arguments of learned Additional Advocate General. When the petitioners have lost their substantive right by unsuccessful challenge to the resumption proceedings in respect of the very same subject matter and there being no stay also before the Division Bench in the pending Writ Appeals, the petitioners cannot invoke Article 227 in the absence of proof of material that the original authority as well as the Court sitting in appeal have acted perversely or with material irregularity warranting exercise of extraordinary powers under Article 227 of the Constitution of India. I do not see any material irregularity or perversity in the finding of the authority as well as Principal Sessions Judge, City Civil Court, Chennai, warranting exercise of powers under Article 227 of the Constitution of India.

28.Coming to the decisions that have been relied on for the proposition that when disputed questions of title are involved, then resort to summary proceedings cannot be taken, I do not see how these decisions would apply, since in my considered opinion, in view of the candid admissions made by the petitioners themselves that they are at best lessees under the original grant and at no

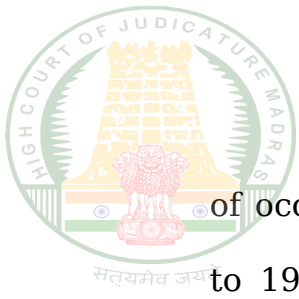


C.R.P.Nos.5506 & 6059 of 2025

point of time, any right or title came to be vested in them.

WEB COPY

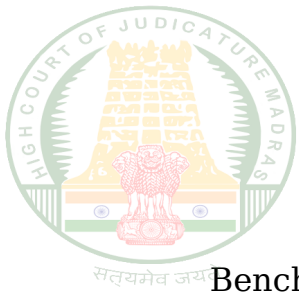
29.The decision of the Hon'ble Supreme Court in ***Suhas H Pophale's*** case relied upon by the learned Senior Counsel Mr.B.Kumar, for the proposition that the Public Premises Act does not have retrospective operation and eviction of the person aggrieved was subject to his protected vested right under the State Land Act and therefore, he could not be proceeded against. The facts of the said case is entirely on a different footing. There was conflict between the State Rent Control Act and Public Premises Act and the Hon'ble Supreme Court, on facts, found that the "occupation" was falling only within the domain of the Tenancy Act and not 'unauthorised occupation' defined under Section 2(g) of the Public Premises Act. No doubt, the argument of Mr.B.Kumar, with regard to the application of the Public Premises Act being prospective appears to be attractive at first blush. It is contended by learned Additional Advocate General that the Act, no doubt, will have prospective application and the interpretation given by the Hon'ble Supreme Court in this regard, has to be viewed in the facts of the case before the Hon'ble Supreme Court alone. He would therefore, state that in respect of retrospective operation, the Hon'ble Supreme Court held that the Public Premises Act of 1971, would not apply to persons who had already acquired vested rights



C.R.P.Nos.5506 & 6059 of 2025

of occupation and were covered by the State Rent Act, even prior to 1971 and in such circumstances, the Hon'ble Supreme Court held that the Public Premises Act, 1971 cannot be applied retrospectively, to take away the vested right and protection given to the occupants under the State Rent Act.

30.In fact, in a much later decision of the Hon'ble Supreme Court in *Life Insurance Corporation's* case the Hon'ble Supreme Court has specifically dealt with the ratio laid down in *Suhas H Pophale's* case and ultimately, held that the Public Premises Act, 1971, will apply to tenancy which may have been created and in existence before them coming into force of the Act or subsequent to the coming into force of the Act and the only twin conditions to be satisfied are that tenancy must fall within the purview of the definition under Section 2(e) of the Act and premises should have been in unauthorised occupation. I have already held in detail as to how these two conditions has been satisfied in the present case. The Hon'ble Supreme Court also held in the very same decision that the invocation and applicability of the provisions of the Act is not dependent of the act of possession and what is material is occupation of premises which has become unauthorised occupation and that occupation is a continuous concept.



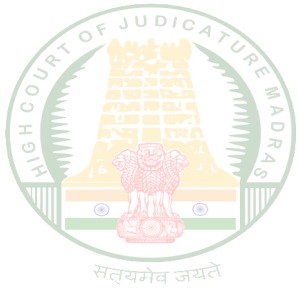
C.R.P.Nos.5506 & 6059 of 2025

31.With regard to ***Suhas H Pophale's*** case, the larger

Bench held that the proposition enunciated in the said case, does not state the correct position of law and are not in consonance with settled legal principles and have been held to be contrary to principle of *stare decisis* and thereby in ***Life Insurance Corporation's*** case, the Hon'ble Supreme Court has overruled the ratio laid down in ***Suhas H Pophale's*** case.

32.In such circumstances, there is no merit in the argument that Public Premises Act will not apply to the Grant made in 1888. I do not find any material error or perversity or illegality in the findings arrived at by the Estate Officer, as well as the learned Principal Sessions Judge, City Civil Court, being the appellate court, in concurrently holding that the order of resumption passed by the Estate Officer, after providing a fair opportunity to the petitioners, was a considered order, warranting interference in revision, that too under Article 227 of the Constitution of India. Thus, I do not see any merit in the revision petitions.

33.Accordingly, these Civil Revision Petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.



C.R.P.Nos.5506 & 6059 of 2025

10.04.2026

WEB COPY

Index : Yes / No

NCC : Yes / No

MR

To

1.The Principal Sessions Judge,
City Civil Court,
Chennai.

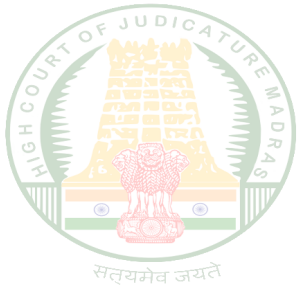
38/40



C.R.P.Nos.5506 & 6059 of 2025

2.The Section Officer,
VR Section,
Madras High Court,
Madras.

WEB COPY



WEB COPY



C.R.P.Nos.5506 & 6059 of 2025

P.B.BALAJI, J.

MR

PRE-DELIVERY COMMON ORDER MADE IN
C.R.P.Nos.5506 & 6059 of 2025

10.04.2026