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W.P.No.30649 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :25.08.2026

Pronounced on :03.09.2026

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE E.MANOCHARAN

Writ Petition No.30649 of 2026
and
W.M.P.Nos.33671 and 33672 of 2026

Mr.John Bosco,
S/o S.T.Manuvel,
GLRS No.388/432 Part,
Depot Lane, C.Pallavaram,
Chennai 600 043.

.. Petitioner

/versus/

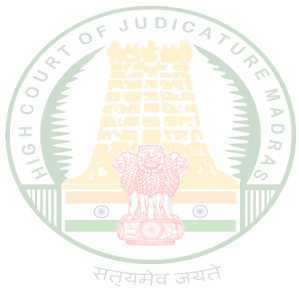
The Chief Executive Officer,
Cantonment Board,
St.Thomas Mount cum Pallavaram,
Chennai 43.

.. Respondent

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the impugned notice No.STM/Works/1/1512, dated 22.07.2026 and quash the same as illegal.

For Petitioner :Mr.P.Vijendran

For Respondents :Mr.C.Mohan for M/s A.RexyJosephine Mary
for M/s King and Partridge

**ORDER**

Dr.G.Jayachandran, J.
and
E.Manoharan, J.

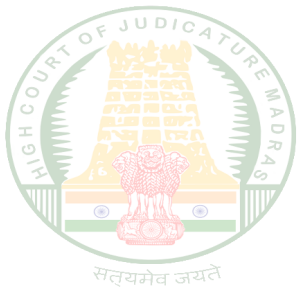
The writ petitioner is in occupation of the property bearing GLRS No: 388/432 Part, Depot Lane, GST Road, Pallavaram, Chennai. The Respondent herein had addressed a letter dated 22.07.2026 to the Deputy Commissioner of Police, Law and Order, West Tambaram, Chennai, to depute sufficient Police Personnel, including Women Police, on 31.07.2026 to avoid law and order problem, while carrying of the eviction process, pursuant to the orders passed by the Hon'ble High Court of Madras dated 20.09.2002, 05.02.2025 and 04.02.2026. Challenging the said communication as arbitrary the present Writ of Certiorari filed to quash the same.

2. According to the learned Counsel appearing for the writ petitioner, the subject property is in possession and occupation of the petitioner and his family since 1960. They are residing in the property continuously paying the tax and enjoying electricity service. While so, the respondent herein initiated eviction proceedings under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The eviction notice was challenged in Public Premises Civil Miscellaneous Appeal No.11 of 2019 and the same was dismissed on



23.02.2024 with liberty to the writ petitioner to approach competent authority for seeking regularisation. The challenge to the order passed in P.P.C.M.A.No.11 of 2019 was dismissed by the High Court in C.R.P.No. 2130 of 2024. Thereafter, the writ petitioner gave a representation to the authorities 08.02.2025 for regularisation under the Cantonment Land Administration Rules, 2021, based on the long possession and occupation. The respondent rejected the request for regularisation vide proceedings No:STM/Works/1/0302 dated 16.02.2026 and commenced its proceedings to evict.

3. Being aggrieved by the rejection of the request to regularise, the writ petitioner had filed P.P.C.M.A.No:5 of 2026 before the Principal District and Sessions Court at Chengalpattu and the same is pending. Without taking note of the fact that the matter is *sub judice*, the respondent had issued eviction notice dated 03.03.2026 fixing 11.03.2026 as the date for eviction with the help of police. By a subsequent communication, the date to evict postponed to 17.03.2026. Hence, the writ petitioner has filed revision petition before the High Court in C.R.P.No:1763 of 2026 to direct the Principal District and Sessions Court Chengalpattu to dispose P.P.C.M.A.No.5 of 2026 as expeditiously as possible. While fact being so, again the respondent has communicated the Police on 22.07.2026 seeking assistance to evict the petitioner, hence the writ petition has been filed for the aforesaid prayer.



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4. On notice, the respondent appearing through its counsel submitted that, the proceedings impugned is self-explanatory. The subject land belongs to Cantonment Board and governed by Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and Cantonment Land Administrative Rules, 1937. The petitioners and others, who were unauthorisedly occupying the road portion of the cantonment land, was caused to be evicted issuing notices under Section 4(1) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. After following the procedure established under law, the Estate Officer passed an order of eviction. The appeals filed before the District Court by the writ petitioner and similarly placed persons were dismissed and the further revision before the High Court got dismissed. Therefore, there is no legal impediment to proceed with the eviction process. That apart, the unauthorised construction and occupation by this writ petitioner is also subject matter of a W.P.No:14244/2016 filed by one P.Mohan in which the Hon'ble High Court directed to remove the encroachment situated in land bearing GLRS No: 388/432 (Part), owned by Ministry of Defence under the Management of Cantonment Board.

5. The Learned Counsel for the Respondent also submitted that the Hon'ble Supreme Court in a Public Interest Limitation *Writ Petition(s)(Civil) No(s):204 of 2014 (Common Cause –vs- Union of India)* by way of continuous

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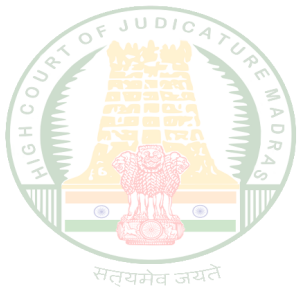


Mandamus has issued direction to the Ministry of Defence to identify the defence lands which are occupied unauthorisedly and to retrieve the same. In respect of appeal pending before the Chengalpattu in P.P.C.M.A.No:5 of 2026 and C.R.P.(PD).No:1763/2026, the Learned Counsel for the respondent submitted that the appellant requested to regularise his unauthorised occupation of the cantonment land is not permissible in law. The Cantonment Land Rules permits only lease of its land in appropriate case and not regularisation or legalising the unauthorised occupation. Further challenge to the order of rejecting the request for regularisation is not an appealable order. Only orders passed under Sections 5, 5B, 5C and 9 alone are appealable. Therefore, the pendency of frivolous appeal which is not maintainable cannot be a ground to stale the implementation of this Court order and the direction of the Hon'ble Supreme Court of India in respect of removal of encroachment Cantonment land earmarked as Road.

6. The communication of the respondent to the jurisdictional police seeking assistance during eviction process reads as below:-

“5. In continuation, vide order cited at reference (iv) above, Dismissal Orders passed by Honourable High Court of Madras, Chennai vide order dated 05.02.2025 vide Writ Petition No.14079 of 2024 and W.M.P.Nos.15260 and 15261 of 2024 in favour of Cantonment Board, directing Cantonment Board to remove the encroachers with necessary police protection.

6.In continuation, vide order cited at reference (v) & (vi) Mr.Ravi alias Siva Prakasam, S/o Late Mr.Dasarathan & Mrs.Caroline has again filed an appeal in Un-numbered PPCMA



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No.5440 of 2023 in I.A.No.3 of 2023 & PPCMA No.5478 of 2023 in I.A.No.4 of 2023 before the Honourable Principal District Court, Chengalpattu and the same has also been dismissed on 06.01.2026 in favour of Cantonment Board.

7.Meanwhile, vide order cited at reference (vii) above, Mr.P.Mohan has again filed a sub Application No.496 of 2023 in Contempt Petition No.2221 of 2018 in Honourable High Court of Madras, Chennai and the Honourable High Court of Madras, Chennai and vide their orders dated 04.02.2026 has pronounced the order and the salient features are stated as below:-

“Since the respondents are continuously pursuing the matter for removal of encroachments and encroachers also have exhausted the remedies available to them, this Court does not find any willful disobedience on the part of the respondents in implementing the orders of this Court. However, it is made clear that after disposal of the representations, the enforcement action shall be concluded as expeditiously as possible.”

8.In this connection, vide letter cited at reference (ix) above, Cantonment Board has requested to depute sufficient police personnel on 17.03.2026 at 11.000 AM for eviction of the above said encroachers/un-authorized occupants.

9.However, requisite police personnels was not present during the time of eviction of above said encroachments/unauthorized premises.

10.In this connection, Cantonment Board once again decides to evict the above said unauthorized building/encroachment on 31.07.2026 at 10.00 Hrs.

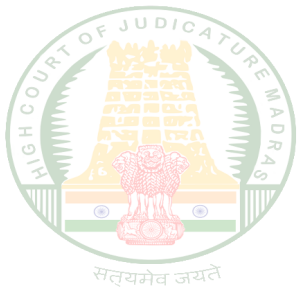
11.It is therefore again requested to depute sufficient police personnel, including women police, on aforementioned date and time for eviction purpose to avoid law and order problems, in terms of orders passed by Honourable High Court of Madras dated 20.09.2022, 05.02.2025 & 04.02.2026 on the subject issue and also in terms of orders passed by the Court of Estate Officer, Cantonment Board as cited above.”



7. The possession of the building and the assessment of the property tax for that building is not in dispute. The question whether the land belongs to the cantonment falling within the purview of Public Premises (Eviction of Unauthorised Occupants) Act 1971 is also not a disputed fact. The writ petitioner's challenge to the eviction order of the estate officer dismissed by the appellate authority as well as the Revision Court. His request for regularisation found not feasible, in view of the restriction under the Cantonment Land Rules. Against the order of rejection, the writ petitioner has preferred appeal before the District Court, Chengalpattu.

8. Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act 1971, which give right of appeal against the order of the Estate Officer reads as below:-

9. Appeals.— (1) An appeal shall lie from every order of the estate officer made in respect of any public premises under section 5 (Eviction of unauthorised occupants) or section 5B (Order of demolition of unauthorised construction) or section 5C (Power to seal unauthorised constructions) or section 7 (Power to require payment of rent or damages in respect of public premises) to an appellate officer who shall be the district judge of the district in which the public premises are situate or such other judicial officer in that district of not less than ten years standing as the district judge may designate in this



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behalf.

(2) An appeal under sub-section (1) shall be preferred,—

(a) in the case of an appeal from an order under section 5, within twelve days from the date of publication of the order under sub-section (1) of that section;

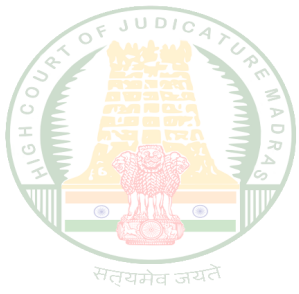
(b) in the case of an appeal from an order under section 5B or section 7, within twelve days from the date on which the order is communicated to the appellant; and

(c) in the case of an appeal from an order under section 5C, within twelve days from the date of such order:

Provided that the appellate officer may entertain the appeal in exceptional cases after the expiry of the said period, if he is satisfied for reasons to be recorded in writing that there was compelling reasons which prevented the person from filing the appeal in time.

(3) Where an appeal is preferred from an order of the estate officer, the appellate officer may stay the enforcement of that order for such period and on such conditions as he deems fit:

Provided that where the construction or erection of any building or other structure or fixture or execution of any other work was not completed on the day on which an order was made under section 5B for the demolition or removal of such building or other structure or fixture, the appellate officer shall not make any order for the stay of enforcement of such order, unless such security, as may be sufficient in the opinion of the appellate officer, has been given by the appellant for not proceeding with such construction, erection or work pending the disposal of the appeal.



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(4) Every appeal under this section shall be disposed of by the appellate officer as expeditiously as possible and every endeavour shall be made to dispose of the appeal finally within one month from the date of filing the appeal, after providing the parties an opportunity of being heard.

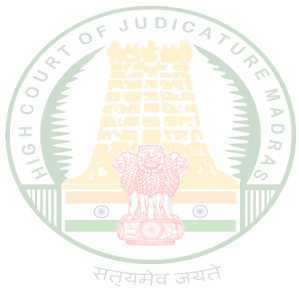
(5) The costs of any appeal under this section shall be in the discretion of the appellate officer.

(6) For the purposes of this section, a presidency-town shall be deemed to be a district and the chief judge or the principal judge of the city civil court therein shall be deemed to be the district judge of the district.

9. The land belongs to Ministry of Defence, under the control of the Cantonment Board. Therefore, the Cantonment Property Rules, 2017 governs the management of the land. Rule 7 of the Cantonment Property Rules, 2017 says:-

“Rule-7: Transfer by Cantonment Board of Immovable Property. Immovable property which vests in and belongs to the Cantonment Board shall not be transferred to any person by the Cantonment Board by way of sale, mortgage or exchange, or otherwise than by lease without a premium, except with the previous sanction of the Central Government and in such manner and on such terms and conditions as the Central Government may, approve such sanction:

Provided that if the immovable property is situated beyond the limits of the Cantonment, the views of the State



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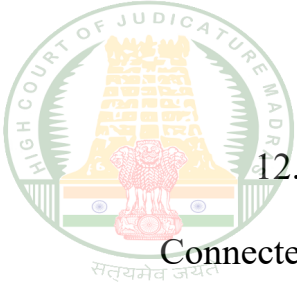
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Government and the services shall be ascertained by the Cantonment Board and communicated to the Central Government through the Principal Director, Defence Estates, the Command, shall be taken into consideration by the Central Government.”

10. If the law does not permit regularisation of the unlawful occupation of the cantonment land, even if there is any observation by the Court to consider the request, such observation can be abided if only it is permissible in law and not in contrary to law and statute.

11. In the light of the above factual matrix, the examination of the respondent letter to the jurisdiction police, which is impugned in this writ petition, we find that the said letter is the consequential event of the order passed in the eviction proceedings as well as the direction of the High Court in the W.P.No: 14244 of 2016. While so, the pendency of a proceedings P.P.C.M.A.No.5 of 2026, which is apparently not maintainable under law, cannot constrain the lawful authority from proceeding with the action to remove the unlawful occupation of the Cantonment land controlled by the Ministry of Defence. Hence, the relief sought in the writ petition being devoid of merit, and it is declined.



12. In the result, **this Writ Petition is dismissed.** Consequently,
Connected Miscellaneous Petitions are closed. No order as to costs.

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(Dr.G.Jayachandran,J.)

(E.Manoharan,J.)

03.09.2026

Index:yes

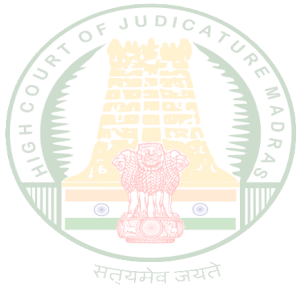
Speaking order/non speaking order

Neutral citation:yes/no

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To

The Chief Executive Officer,
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W.P.No.30649 of 2026



Dr.G.Jayachandran,J.
and
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delivery Order made in
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03.09.2026