

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2025

CORAM

THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

O.S.A.No.335 of 2025
and
C.M.P. No.25967 of 2025

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Revenue and Disaster Management Department,
Fort St.George,
Chennai 600 009.

2. The District Collector,
Chennai District,
Collectorate of Chennai, Singaravelar Maaligai,
62, Rajaji Salai,
Chennai 600 001.

... Appellants

Vs.

1. Madras Race Club,
A Company Registered under the Companies Act, 1913,
Represented by its Secretary S.Nirmal Prasad,
Having its office at Guindy,
Chennai 600 032.

2. Tamil Nadu Race Horse Owners Association
Represented by its Secretary,
Madras Race Club, Owner's Lounge,
Guindy, Chennai 600 032.

3. Tamil Nadu Race Horse Trainers Welfare Association,
Represented by its General Secretary,
Madras Race Club, Guindy,
Chennai 600 032.

4. Madras Race Club Staff Welfare Association,
Represented by its Secretary,
No.12, Parasuramar Street,
Gandhi Salai, Velachery,
Chennai 600 042.

... Respondents

Prayer: Original Side Appeal filed under Clause 15 of the amended Letters Patent read with Order XXXVI Rule 1 of the Original Side Rules to set aside the Impugned "Status Quo" Order dated 04.07.2025 made in O.A.No.401 of 2025 in C.S.No.81 of 2025 and allow the present Original Side Appeal and thus render justice.

For Appellant : Mr.P.Wilson,
Senior Counsel for
Mr.D.Ravichander,
Special Government Pleader

For R1 : Mr.Vaibhav R.Venkatesh

For R2 to R4 : No Appearance

JUDGMENT

(Judgment of the Court was delivered by *MOHAMMED SHAFFIQ J.*)

The Appeal is directed against the impugned order of "Status Quo" dated 04.07.2025 in O.A.No.401 of 2025 in C.S.No.81 of 2025. Suit in C.S.No.81 of 2025 was instituted by the 1st Respondent/ Madras Race Club to declare G.O.Ms.No.343 Revenue and Disaster Management Department dated 06.09.2024 terminating the lease dated 08.03.1946 for an extent of 160.86 acres in Venkatapuram, Adyar and Velachery Villages of erstwhile Chengalpattu District now in Chennai District and the consequential letter and

notice issued by the Government of Tamil Nadu as null and void. In the said suit an Original Application in O.A.No.401 of 2025 was filed with the prayer not to dispossess Plaintiff/1st Respondent herein, from the suit scheduled property. An interim order of "Status Quo" was granted by the learned Judge in O.A.No.401 of 2025. Thereafter the said application was finally heard and orders reserved by the learned Judge on 18.08.2025. It was submitted, since it was taking time for pronouncing order in the said application, State filed the present Original Side Appeal, compelled by the impending rains, inasmuch as the order of "Status Quo", if were to continue would adversely impact the works commenced by the State in the suit scheduled property, which inter alia included development/strengthening of four ponds and an Eco Park conceived in larger public interest.

1.1. On hearing both sides this Court vide order dated 22.10.2025 modified the above order of "Status Quo" as under:

"25. Since the interim order of status quo as stated supra would adversely affect public interest, we are inclined to modify the said order and permit the State to carryout all works relating to strengthening/development of pond and any other project of public interest and the respondent club shall co-operate and not obstruct such work. We find support in modifying the order of "Status Quo" in Section 41(ha) of the Specific Relief Act, 1963, which provides that an injunction cannot be granted if it would impede or delay the progress or completion of any infrastructure project. It is not in dispute that the strengthening/development of

ponds and Eco Park are infrastructure projects sought to be implemented by the Government in larger public interest, in view thereof the order of "status quo" stands modified as provided supra."

1.2. Aggrieved, Respondent Race Club filed a Special Leave to Appeal in S.L.A.No(s).31175 of 2025 dated 30.10.2025. The above Special Leave Petition was disposed of with the following observations:

"2. While we are not inclined to interfere with the impugned judgment and order passed by the High Court, we clarify that the portion in paragraph no. 25 which reads, "...permit the State to carryout all works relating to strengthening/development of pond and any other project of public interest and the respondent club shall co-operate and not obstruct such work....." shall entitle the respondent (s)-State only to create what is required for the eco-park, and will be subject to final decision.

3. The Division Bench of the High Court shall endeavour to dispose of the application(s) expeditiously.

4. With these observations, the Special Leave Petition is disposed of.

5. Pending application(s), if any, shall stand disposed of."

1.3. Thereafter, a Civil Miscellaneous Petition in C.M.P.No.27415 of 2025 came to be filed. Learned counsel for Respondent Club raised a preliminary objection stating that in terms of the directions of the Supreme Court the application i.e., O.A.No.401 of 2025 ought to be heard by the Single

Judge and would suggest that the expression "Division Bench" in para 3 of the order of Supreme Court was intended and only meant the Single Judge. In other words, it was submitted that the expression "Division Bench" in para 3 of the order dated 30.10.2025, of the Apex Court is an inadvertent error and would submit that this bench ought to confine itself to the Original Side Appeal, lest the Respondent Club may lose one tier of adjudication/Appeal. On the other hand it was submitted by the learned Senior Advocate appearing on behalf of the State that the Supreme Court had directed the Division Bench to dispose of the application expeditiously, i.e., O.A.No.401 of 2025.

1.4. We do not propose to examine the above question for the present, since the counsel for Respondent, sought time to obtain a clarification on the above aspect from the Apex Court. We shall thus proceed to deal with the Original Side Appeal, wherein the order of "Status Quo" granted by the Single Judge is under challenge.

1.5. It was submitted by the learned senior advocate appearing for the Appellant State that the order of "Status Quo" impedes/hinders the development in strengthening of ponds and the Eco Park which are environmental projects conceived and sought to be implemented in public interest. The above works namely creation of Ponds and development of Eco park are conceived as part of flood mitigation measures initiated by the State. He would reiterate that the State has already dug four Ponds on the suit schedule property to store excess rainwater, mitigating inundation in areas

such as Velachery, Adambakkam, Madipakkam, and Guindy and proposes to excavate/develop additional ponds. The learned senior advocate would further submit that the State intends, to construct an Ecological Park (Eco Park), through the Horticulture Department on the suit schedule property, proposed/ intended to be utilized as a water storage area. That apart the Eco Park project is also intended/ conceived to promote tourism and to serve as a green cover and lung space for Chennai. This, it is submitted would increase the ground water table and improve hydrological cycle, which in turn would mitigate adverse impact due to climatic change.

1.6. The learned counsel for the Respondent on the other hand would confine his submissions to the scope of the orders of the Hon'ble Supreme Court, contending that, by virtue of the order dated 30.10.2025 of the Apex Court, the remedy sought for in the Original Side Appeal has, in effect, worked itself out.

2. Having heard both sides, this Court is of the view that the order of "Status Quo" dated 04.07.2025, of the learned Judge hinders/impedes the State from carrying out works related to strengthening/development of the four ponds which has admittedly been excavated and development of Eco park. The above order of "Status Quo" warrants interference for following reasons:

A. Studies/papers would reveal how Chennai has been ravaged due to floods.

in recent past – highlighting the need for immediate flood mitigation measures.

3. There have been several studies about the adverse impact of rains and consequential impact of floods due to change in topography in view of mushrooming of constructions in marsh lands/wetlands around the city of Chennai. However, we shall for the purpose of the present Appeal refer to one such Report Titled “*Chennai Floods 2015 – A Rapid Assessment*”, prepared by the Interdisciplinary Centre for Water Research, IISc, Bangalore (May 2016) from a reading of the above report would indicate the following :-

3.1 The Report records that the floods of November–December 2015 resulted in large-scale devastation across Chennai, Kancheepuram and Tiruvallur, claiming more than 400 lives, with the State subsequently reporting a total of 470 fatalities during the North-East monsoon. As per the Report, over 4 million people were affected, nearly 1.8 million were displaced, and 1.7 million persons were accommodated in 6,605 relief camps. The estimated economic loss was approximately USD 3 billion. More than 3.042 million families suffered total or partial damage to their dwellings, over 100,000 structures were damaged, and nearly 30% of Chennai households incurred individual losses ranging between Rs.2 lakhs and Rs.20 lakhs.

3.2. The Report further records that industrial and commercial operations in the region came to a complete standstill, with the Chennai Airport remaining closed between 1st and 6th December, and losses arising solely from halted industrial production estimated at nearly Rs.15,000 crores.

Essential commodities such as milk, water, vegetables, fuel and transport became critically scarce. The Report additionally notes the destruction of 3,82,768 hectares of crops and the loss of nearly 98,000 livestock and poultry. The magnitude of the event, as documented, underscores the urgent necessity for planned ecological buffers, sustainable land-use measures and flood-resilient infrastructure.

3.3. We are informed that in the suit schedule property 4 ponds have been dug/excavated already and requires to be strengthened/developed. State has commenced preparatory work insofar as the proposed Eco park. The above 4 ponds along with proposed additional ponds once fully developed and functional would mitigate adverse impact of floods in and around the suit schedule property including Velachery, Adambakkam, Madipakkam, Guindy, Pallikaranai and adjoining areas.

3.4. The proposed Eco park with regard to which the State has already commenced preparatory work which *inter alia* is proposed to include the following infrastructure such as sponge ponds, small ponds and water bodies is intended to act as water storage structures which would mitigate adverse impact of floods. That apart Eco park it is submitted is intended to promote tourism, maintain ecological balance, improve air quality and reduce pollution.

3.5. The above submissions on the objective behind development of ponds and Eco park as part of flood mitigation measures to alleviate the adverse impact of floods would serve and promote larger public interest. This

underscores prima facie the need to ensure that the above works are not hindered in any manner, moreso by judicial orders.

B. Climate change – extreme weather – its impact.

4. One another aspect to which we cannot turn a blind eye are recent episodes of torrential rainfall in Chennai, which resulted in severe flooding. These events are not isolated but form part of a recurring pattern of extreme weather attributable to climate change. In this regard it may be relevant to refer to the case of Supreme Court in *M K Ranjitsinh & Ors v. Union of India & Ors.*¹ wherein the Supreme Court after referring to the case of *Virender Gaur v. State of Haryana*², underscored the heightened constitutional obligations of the State in addressing climate-related risks and relied upon various UN climate reports. The relevant portion of the judgment is extracted hereunder:

“22. In Virender Gaur v. State of Haryana, this Court recognised the right to a clean environment in the following terms:

“7. ... The State, in particular has duty in that behalf and to shed its extravagant unbridled sovereign power and to forge in its policy to maintain ecological balance and hygienic environment. Article 21 protects right to life as a fundamental right. Enjoyment of life and its attainment including their right to life with human dignity encompasses within its ambit, the protection and preservation of environment, ecological balance free from pollution of air and water, sanitation without which life cannot be enjoyed. Any contra acts or actions would cause environmental pollution. Environmental, ecological, air, water, pollution, etc. should be regarded as amounting to violation of Article 21. Therefore, hygienic environment is an integral facet of right to healthy life and it would be impossible to live with human dignity

1. 2024 SCC OnLine SC 570

2. (1995) 2 SCC 577

without a humane and healthy environment. Environmental protection, therefore, has now become a matter of grave concern for human existence. Promoting environmental protection implies maintenance of the environment as a whole comprising the man-made and the natural environment. Therefore, there is a constitutional imperative on the State Government and the municipalities, not only to ensure and safeguard proper environment but also an imperative duty to take adequate measures to promote, protect and improve both the man-made and the natural environment.

.....

29. Of late, the intersection between climate change and human rights has been put in sharp focus, underscoring the imperative for states to address climate impacts through the lens of rights. For instance, the contribution of the UN High Commissioner for Human Rights to the 2015 Climate Conference in Paris emphasized that climate change directly and indirectly affects a broad spectrum of internationally guaranteed human rights. States owe a duty of care to citizens to prevent harm and to ensure overall well-being. The right to a healthy and clean environment is undoubtedly a part of this duty of care. States are compelled to take effective measures to mitigate climate change and ensure that all individuals have the necessary capacity to adapt to the climate crisis.

30. This acknowledgment of human rights in the context of climate change is underscored in the preamble of the Paris Agreement, which recognizes the interconnection between climate change and various human rights, including the right to health, indigenous rights, gender equality, and the right to development: "Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity."

31. The 2015 United Nations Environment Programme report also outlined five human rights obligations related to climate change, including both mitigation and adaptation efforts. In 2018, the UN Special Rapporteur on Human Rights and the Environment emphasized that human rights necessitate states to establish effective laws and policies to reduce greenhouse gas

emissions, aligning with the framework principles on human rights and the environment.

32. The Inter-American Court of Human Rights issued an advisory opinion in 2017 affirming the right to a healthy environment as a fundamental human right. The IACtHR delineated state obligations regarding significant environmental harm, including cross-border impacts, recognizing the inherent relationship between environmental protection and the enjoyment of various human rights. Violations of the right to a healthy environment can reverberate across numerous rights domains, including the right to life, personal integrity, health, water, and housing, as well as procedural rights such as information, expression, association, and participation

33. In her comprehensive study exploring climate obligations under international law, Wewerinke-Singh underscores the imperative for states to both adapt to and mitigate the impacts of climate change in alignment with human rights principles. This resonates deeply with the burgeoning recognition of the right to a healthy environment as a fundamental human right within the global discourse on environmental protection and sustainability. When discussing the right to a healthy environment, it is crucial to address access to clean and sustainable energy. Clean energy aligns with the human right to a healthy environment, as first recognized by the UN Special Rapporteur on Human Rights and the Environment in 1994.”

4.1. The above judgment reinforces the position that the State bears a non-delegable duty to adopt preventive, infrastructural, and regulatory measures to safeguard citizens from foreseeable climate-related harms under Article 21 and its international obligations. We are of the view that the proposed use of the suit schedule property for excavation and development of ponds and Eco park intended to function as lung space, would help maintain ecological balance and hygienic environment by reducing pollution, a step in our view in furtherance of Directive Principles which the State ought to

endeavour to achieve as part of its Constitutional obligation. This reinforces the need to modify the order of “Status Quo” and permit State to proceed with the work of excavating, strengthening and development of ponds and Eco park.

C. Proposed projects would advance directive principle formulated in Article 39 (b) of the constitution of India.

5. The suit schedule property is admittedly Government land, and is sought to be utilised by the Government to develop projects in public interest and to mitigate losses arising from natural calamities, primarily floods. After having granted lease of suit schedule property measuring an extent 160.86 acres for horse racing and other allied activities which catered to fulfilling the interest of a handful of private individuals/entities, State after finding a range of violations of the lease conditions has terminated the lease and sought to recover dues alleged to be running to hundreds of crores has now resumed the land and has started projects in public interest aimed at sub serving common good.

5.1. At this juncture while not going into the legality or otherwise of the reasons for termination for the present, it is relevant to bear in mind that in terms of Article 39(b) of Constitution, State shall frame policies directed towards securing ownership and control of material resource of the community and ensure it gets distributed as to best sub serve the common good. In this

regard it may be relevant to note that the Supreme Court in *State of Tamil Nadu vs. L. Abu Kavur Bai*³, held that the expression 'distribute' under Article 39(b) cannot but be given full play as it fulfills the basic purpose of restructuring the economic order. It embraces the entire material resources of the community. Its goal is so to undertake distribution as best to sub-serve the common good. It re-organizes by such distribution the ownership and control. To distribute, would mean, to allot, to divide into classes or into groups and embraces arrangements, classification, placement, disposition, apportionment, the system of disbursing goods throughout the community.⁴

5.2 The above view has been reiterated and followed on numerous occasions by the Apex court, one of them being *Reliance Natural Resources Ltd. v. Reliance Industries Ltd*,⁵, wherein the Supreme Court while explaining the scope of Article 39(b) and the constitutional command regarding distribution of material resources contained therein emphasized that State must act to secure common good and reiterated the above views expressed in the case of *Abu Kavur Bai* cited *supra*.

5.3. Land is a scarce commodity and it gets even more scarce in a cosmopolitan society like Chennai, thus to permit a group of private individuals to have control over such scarce public resource may also fall foul off Doctrine of Public Trust.

D. Public interest key while granting interim injunctions

3. (1984) 1 SCC 515

4. *Reliance Natural Resources Ltd. v. Reliance Industries Ltd* (2010) 7 SCC 1, p22

5. (2010) 7 SCC 1

6. It is trite that Courts would consider “public interest”, while dealing with interlocutory applications and would exercise restraint if grant of injunction is shown to adversely affect public interest. Interestingly, the Apex court held that while considering grant of stay which impedes projects conceived in public interest, courts would take into account the cost involved in staying the project and adequate provisions must be made in the interim order for reimbursement of cost in case the individual fails in the litigation after obtaining an order of injunction. In this regard it may be relevant to refer to the following judgments of *Raunaq International Ltd. v. I.V.R. Construction Ltd.*,⁶ wherein the Supreme Court underscored that interim orders must not be issued without evaluating the balance of convenience, the public interest involved and the financial impact. The relevant portion is extracted hereunder:

“24. Dealing with interim orders, this Court observed in Assistant Collector of Central Excise, Chandan Nagar, West Bengal v. Dunlop India Ltd. and Ors., [1985] 2 SCR 190 at page 196 that an interim order should not be granted without considering balance of convenience, the public interest involved and the financial impact of an interim order. Similarly, in Ramniklal N. Bhutto and Anr: v. State of Maharashtra and Ors., [1997] 1 SCC 134, the Court said that while granting a Stay the court should arrive at a proper balancing of competing interests and grant a Stay only when there is an overwhelming public interest in granting it, as against the public detriment which may

6. AIR 1999 SC 393
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be caused by granting a Stay. Therefore, in granting an Injunction or Stay order against the award of a contract by the Government or a Government agency, the court has to satisfy itself that the public interest in holding up the project far out-weighs the public interest in carrying it out within a reasonable time. The court must also take into account the cost involved in staying the project and whether the public would stand to benefit by incurring such cost.

25. Therefore, when such a Stay order is obtained at the instance of a private party or even at the instance of a body litigating in public interest, any interim order which stops the project from proceeding further, must provide for the reimbursement of costs to the public in case ultimately the litigation started by such an individual or body fails. The public must be compensated both for the delay in implementation of the project and the cost escalation resulting from such delay. Unless an adequate provision is made for this in the interim order, the interim order may prove counter productive”.

(emphasis supplied)

6.1. It may also be relevant to refer to the judgment of Supreme Court in the case of Delhi Development Authority v. Skipper Construction Co. (P) Ltd.,⁷ wherein the Court cautioned against mechanical grant of interim orders. The relevant portion is extracted hereunder:

“38. On this occasion, we must refer to the mechanical manner in which some of the courts have been granting interim orders - injunctions and stay orders without realizing the harm such mechanical orders cause to the other side and in some cases to public interest. It is no answer to say that "let us make

7. (1996) 4 SCC 622
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the order and if the other side is aggrieved, let it come and apply for vacating it". With respect, this is not a correct attitude. Before making the order, the court must be satisfied that it is a case which calls for such an order. This obligation cannot be jettisoned and the onus placed upon the respondents/defendants to apply for vacating it."

6.2. Applying the above tests to the present case, it is evident that the following projects viz., ponds and Eco park, on which work has commenced are firmly rooted in larger public interest. These projects are the need of the hour as far as Chennai is concerned. Over the last decade, the topography of the city has altered drastically due to unplanned/unauthorised construction of residential/commercial units over and close to water bodies while the city suffers from flooding due to rainfall resulting in large scale damage which at times has been catastrophic.

6.3. Eco park is intended to serve multiple purposes. Firstly, it is intended to mitigate the risk of flooding, which the city increasingly faces with each passing monsoon. Secondly, it is necessary to reiterate the grave concerns surrounding air pollution and AQI levels, reduction of which forms a central part of the rationale behind the Eco park. Air pollution today is not merely an environmental issue; it has become a public health emergency. The experience of the citizens of Delhi in the recent past is a stark reminder, where escalating AQI levels have led to lock downs, closure of schools, disruption of public life, and severe health impacts, particularly for vulnerable groups such

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as children and the elderly. Thirdly, it is intended to promote tourism. Fourthly, it would serve as a natural habitat to several species of flora and fauna. All of the above are conceived in public interest.

6.4. The findings in various reports including one referred supra would reveal serious systemic lapses in flood management and this in the considered view of this Court, demonstrate an urgent and compelling need for the State to undertake remedial, preventive and long-term infrastructural measures. The present projects viz., excavation and development of 4 ponds and creating of an Eco park, is conceived to improve air quality, reducing pollution sources, and preventing the city from being inundated/ravaged by floods due to rains and being pushed into the same cycle of environmental crisis.

7. We prima facie find that there is an overarching public interest in ensuring that the projects proposed in the suit schedule property are proceeded with unhindered/unimpeded. We are thus inclined to modify the order of "Status Quo" and permit the State to carry out all works related to strengthening/development of ponds to store excess rain water while permitting the development of Eco park which is conceived to mitigate adverse impact of floods, promote tourism, reduce pollution and serve as a natural habitat for several flora and fauna species.

8. Accordingly, the original side appeal stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

[S.M.S., J.] [M.S.Q., J.]
25.11.2025

Index:Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation:Yes/No
spp

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