



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19.07.2023

PRONOUNCED ON : 26.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.34363 of 2022 & 5565 of 2023

and

W.M.P.Nos.33834, 5581 & 5582 of 2023

Valluvar Gurukulam

Represented by its Correspondent and Secretary

Mr.D.K.Srinivasan

220, G.S.T. Road, Tambaram (W)

Chennai – 600 045.

... Petitioner
in 2WPs

Vs.

1.State of Tamil Nadu,

Represented by Secretary to Government,

Revenue Department,

Fort St. George, Chennai – 600 009.

2.The Collector,

Kancheepuram District,

Kancheepuram.

3.The Revenue Divisional Officer,

Tambaram, Chennai – 600 045.



4. Tahsildar,
Tambaram Taluk,
Tambaram, Chennai – 600 045.

5. Commissioner of Land Administration,
Land Administration Department,
Chepauk, Chennai – 600 005.

6. The Collector,
Chengalpattu District,
Chengalpattu.

... Respondents
in 2 WPs

[R5 & R6 impleaded vide order dated 06.07.2023 made in
WMP.No.2882/2023 in WP.No.34363/2022]

Prayer in W.P.No.34363 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to not interfere with ownership and possession of the subject lands in Survey Nos.307, 308 and 309 in Tambaram Village, Tambaram Taluk, Chengalpet District, ad measuring an extent of 9.77 Acres, belonging to the Petitioner herein, in an illegal and arbitrary manner.

Prayer in W.P.No.5565 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 5th respondent in Proc.No.B1/23608/2012 dated 16.12.2022, the consequential letter issued by the 6th respondent in Na.Ka.No.9815/2022 /A3 dated 17.12.2022 and the resultant G.O (Ms) No. 56 dated 01.02.2023 issued by the 1st respondent and quash the same, and consequently direct the respondents to issue patta in respect of the subject



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lands in Survey Nos.307/2, 308/1, 308/3, 309/1 and 309/3 ad measuring an extent of 9.77 acres in favour of the petitioner.

For Petitioner : Mr.Surya Narayanan.N
For Mr.Rahul Balaji
(in 2WPs)

For Respondents : Mr.J.Ravindran
Additional Advocate General
Assisted by Mr.Yogesh Kannadasan
Special Government Pleader
(in 2WPs)

COMMON ORDER

The writ petition in W.P.No.34363 of 2022 has been instituted seeking relief to direct the respondents not to interfere with the ownership and possession of the subject lands in Survey Nos.307, 308 and 309 in Tambaram Village, Tambaram Taluk, Chengalpet District, admeasuring an extent of 9.77 Acres, belonging to the petitioner.

2. The writ petition in W.P.No.5565 of 2023 has been instituted questioning the validity of the order dated 16.12.2022 issued by the Commissioner of Land Administration and the consequential letter issued by the District Collector in proceedings dated 17.12.2022 and the



Government order issued in G.O.Ms.No.56 dated 01.02.2023. A direction is sought for to issue patta in respect of the subject land in Survey Nos.307/2, 308/1, 308/3, 309/1 and 309/3 admeasuring an extent of 9.77 Acres in favour of the petitioner.

FACTS IN BRIEF:

3. The facts in nutshell as narrated between the parties are that the Government of Madras has alienated an extent of 9.77 acres in Tambaram Village and Taluk, Chengalpattu District in Survey No.307/2, 308/1, 308/3, 309/1, 309/3 free of charge for the occupancy right and free assessment but subject to conditions as per RSO 24(6) in favour of the petitioner for the purpose of running the School on 18.04.1944.

4. On 21.07.2012 it was identified that an extent of 2.32 acres in Survey No.308/1 and 1.61 acres in Survey No.307/2 were encroached upon. The District Collector, Kancheepuram has sent a proposal to mutate the revenue records in respect of the petitioner only for the remaining extent of 5.84 acres. Meanwhile, the writ petitioner has applied for patta in respect of 9.77 acres after a lapse of 68 years of the alienation in the year 1944.



5. The Commissioner of Land Administration has requested the District Collector on 01.04.2014 to register the name of the petitioner in the Adangal Register only to the extent for which they have possession by excluding the encroached area. The Commissioner of Land Administration has also informed the petitioner that the patta cannot be given in as much as the land was alienated for free of cost and issuance of patta may lead to sale of the land. The Commissioner of Land Administration by letter dated 02.09.2014 had directed the District Collector to resume the encroached portion of the land to an extent of 2.32 acres by one D.Chandran and send a compliance report and also to mutate the revenue records.

6. The encroachers of the Government land, Mr.D.Chandran and others filed writ petitions in W.P.Nos.13610 to 13612 of 2015. This Court passed an order on 18.10.2022 dismissing the writ petitions and made an observation that the subject land could be used only for the construction of Tambaram Police Commissionerate and if it does not fructify, the said lands cannot be alienated in favour of any individuals.



7. Subsequent to the dismissal of the writ petitions, the Revenue Divisional Officer has issued a show cause notice to the petitioner on 21.11.2022 asking them as to why an extent of 4.65 acres shall not be resumed, since the said portions were encroached upon. The petitioner submitted their reply / objections on 28.11.2022. Considering the explanations submitted by the writ petitioner, the District Collector, Chengalpattu, had submitted a proposal to the Government to resume the land to an extent of 4.65 acres on the ground that the petitioner has violated the conditions stipulated in the alienation with reference to RSO 24(6).

8. The District Collector in his report has stated that the petitioner has kept the said area to an extent of 4.65 acres vacant, which resulted in an encroachment by the third party. Accordingly, the Commissioner of Land Administration has recommended for resumption of 4.65 acres. On 17.12.2022, the Government took over 2.32 acres of the encroached land in occupancy of Mr.D.Chandran and others and assigned the same in favour of the Commissioner of Police, Tambaram for construction of Commissionerate.



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9. The petitioner / School themselves have stated in their affidavit that one Mr.Krishnasamy, who was a Teacher in the School was permitted to raise crops in the alienated land which is a gross violation of RSO 24(6) committed by the petitioner / School. Since the petitioner did not utilize the entire extent of 9.77 acres as per RSO 24(6), the Government has resumed an extent of 4.65 acres. Out of the said 4.65 acres, 2.32 acres of land was assigned to the Police Commissionerate, Tambaram for construction of buildings for the benefit of the Commissionerate.

PETITIONER'S CONTENTIONS:

10. The petitioner is Valluvar Gurukulam and the School was started in and around 1940 for the benefit destitute, refugee children, who migrated back from Burma to their homeland in Tamil Nadu. The then District Board President recommended assignment of the subject lands to the petitioner / School. Accordingly, the assignment was granted. The petitioner states that the School is functioning in full swing and about three thousand students are studying in the School. Both English and Tamil medium classes are undertaken and they are collecting fees only for English medium and



providing Tamil medium classes at free of cost. The petitioner has constructed School by initially starting Elementary School and subsequently, it was upgraded. The petitioner / School themselves state that nominal fees is being collected as per the Rules and Regulations applicable to the petitioner / School.

11. The petitioner in their affidavit has stated that in 1982, one Mr.Krishnasamy, who was a Teacher in the petitioner / School was asked to raise crops in a small portion of the subject land in S.No.308/1, for feeding the orphanage students. The said teacher Mr.Krishnasamy died on 14.02.1986 and the watchman by name Mr.D.Chandran, engaged by the said Mr.Krishnasamy was living in a thatched shed put up by the petitioner / School for storing agricultural instruments and also for tethering cattle.

12. The said Mr.D.Chandran filed a Civil suit for bare injunction in O.S.No.525 of 1986 on the file of the District Munsif Court, Poonamalle against the petitioner / School. Ad-interim injunction was initially granted in I.A.No.761 of 1986. The petitioner filed a suit against the said Mr.D.Chandran for recovery of possession of the smaller portion of 2.32



acres in O.S.No.455 of 2004, on the file of the Additional District Court, Chengalpattu. The petitioner filed an Interlocutory Application seeking exemption from payment of Court fee and admittedly, the suit was not pursued thereafter. The suit was admittedly abandoned and the encroachment continued.

13. All the encroachers filed writ petition in W.P.No.13610 to 13612 of 2015 without even impleading the petitioner / School. However, the Tahsildar, Tambaram in letter dated 16.08.2022 informed about the writ petitions filed by the encroachers and asked the petitioner to implead themselves in the writ petitions. However, the petitioner / School had not impleaded themselves.

14. The learned counsel for the petitioner mainly contended that the land was assigned for charitable purposes and the petitioner / School is a charitable institution. They are running School for the benefit of the poor and downtrodden people of that locality and at present about 3000 students are studying there. The School is providing education in both English and Tamil medium and they are collecting reasonable fees from the students



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studying in English medium alone. The petitioner / School has not violated any assignment conditions and the respondents have not issued any notice to the writ petitioner. The said portion of the land is now being utilised as a play ground for the benefit of the children studying in the School and therefore, the subject land has been utilised for the educational purposes. When the students are utilising the said land as play ground, the order of resuming the land is not in consonance with the purpose of assignment for which the land was granted to the petitioner.

15. The petitioner / School has not violated any conditions of the assignment and they have submitted numerous representations to grant patta in respect of the land. The entire land of 9.77 acres was assigned for the purpose of establishing and running the School and the petitioner is continuing the purpose and doing charity. Certain portion of the lands are left open for future developments and therefore, the reason stated for resumption of land from the petitioner is untenable.

16. The learned counsel for the petitioner further contended that the respondents have not raised any objections in respect of such



encroachments for long years. Only during the year 2022 they have initiated action by stating that the portion of the subject land has been under encroachment. The petitioner is in lawful possession of the subject land, since 1944 and running the School without violating the conditions granted. The show cause notice has been issued by the 3rd respondent and the petitioner submitted his explanations but the 5th respondent passed the final orders in respect of the resumption of land. Therefore, the impugned order has been passed by an incompetent authority and thus, the orders are liable to be set aside and a direction is to be issued to the respondents to grant patta to the petitioner.

REPLY BY THE RESPONDENTS:

17. The learned Additional Advocate General appearing on behalf of the 'State' objected the grounds raised by the petitioners by stating that the petitioner / School is attempting to camouflage the blunder committed by them by mere denial without the support of any legally valid evidences. Had they utilised the land for the very purpose for which it was alienated, the encroachers of a portion of the land would not have dared to approach the High Court seeking assignment in their favour for the land under their



encroachment through writ petitions in W.P.Nos.13610 to 13612 of 2015.

The fact regarding the encroachment cannot be denied by the petitioner at any circumstances.

18. The 3rd respondent issued show cause notice and is competent to pass an order for resumption of land. The petitioner / School even as per their own affidavit has admitted the encroachment of the portion of the land and therefore, they violated the conditions of alienation and now they cannot question the competency of the authorities.

19. The learned Additional Advocate General appearing on behalf of the respondents reiterated that the 5th respondent / the Commissioner of Land Administration is the competent authority to resume the land as per the Revenue Standing Orders (RSO) and pass orders considering the representation submitted by the writ petitioner. The show cause notice was issued for the purpose of securing explanations of the petitioner and the petitioner / School has submitted their explanations and after considering allegations and the explanations submitted by the petitioner, the Commissioner of Land Administration passed final orders and therefore,



there is no violation of principles of natural justice. The orders passed for resumption of land was after detailed examination of the explanations / reasons of the petitioner / School and also the ground level reality report, furnished by the Collector, Chengalpattu.

20. An extent of 9.77 acres of land was alienated in favour of the petitioner / School. An extent of 4.64 acres was found utilised by the petitioner / School and an said extent of 4.65 acres was under encroachment by third person and under utilisation for commercial purposes. The petitioner / School to whom the lands were alienated and given possession ought to have safeguarded the land from the encroachers, wherein they had colluded with the encroachers. The petitioner / School cannot deny the fact that the said Thiru D.Chandran was permitted to encroach a portion of land with full knowledge and consent of the petitioner / School. The petitioner / School having allowed encroachments in the land has now come up with new stories to get sympathy from the this Court, which cannot be accepted.

21. The petitioner / School has not utilised the encroached portion of the land and it is held vacant and not being used for School activities. The



5th respondent / Commissioner of Land Administration, has clearly considered the present status of the land and thereafter, passed the order of resuming the land for the purpose of construction of Commissionerate of Police, Tambaram, for the benefit of the public at large. The land resumed is now assigned to the Commissionerate of Police for construction of office building, which will also to be in the interest of public and thus, the writ petition is to be dismissed.

22. Pertinently, the petitioner / School has got private patta lands in their title, adjacent to the assigned lands. The petitioner / School has rented out their private lands and was earning huge profits from them. Therefore, the contention of the petitioner / School that the subject lands are required for the expansion of the School is false and frivolous. The petitioner has rented out their patta lands for monetary gains and now attempting to retain the encroached portion of the land by falsely stating that the subject lands needs future expansions.

**DISCUSSIONS:**

23. Preliminarily, as per the Tamil Nadu Private Schools (Regulation) Rules, 2023, the minimum land requirement for private middle, high and higher secondary schools are as under:

<i>S.No</i>	<i>Location</i>	<i>Minimum Land Requirement</i>
(1)	Metropolitan Development Authority Area	5 grounds
(2)	Corporation (other than Metropolitan Development Authority Area)	6 grounds
(3)	District Head Quarters	7 grounds
(4)	Municipality	8 grounds
(5)	Town Panchayat	10 grounds
(6)	Village Panchayat	2 acres

24. It is needless to state that the market value of the property in and around Chennai City are sky-rocketing. The Government is in need of land for the developmental activities, to improve public infrastructure facilities and to construct building for Government Departments. Valuable lands belonging to the Government were alienated long back to certain institutions and during the relevant point of time, those lands were not considered as valuable. As the developmental activities are in progress in Metropolitan Cities and other Municipal areas, the Government is empowered to re-visit certain assignments granted at free of cost to the



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Institutions and initiate appropriate steps for resumption of lands for the benefit of the public at large and also considering the other factors regarding the activities, charitable purposes, etc carried out by the private institutions.

25. In context of the above principles, let us first consider the conditions stipulated in the alienation order issued to the petitioner.

26. The alienation of the Government land to an extent of 9.77 acres was granted to the petitioner in G.O.Ms.No.794, Revenue Department dated 18.04.1944. Accordingly, the alienation will be free of charge for the occupancy right and free of assessment but subject to the following conditions:

- (1) The land shall be used as the site of the Valluvar Gurukulam School and for no other purpose.
- (2) The School building shall be constructed within a period of three years from the date of the grant.
- (3) No other building shall be constructed on the land without the previous permission of the Collector of the District.
- (4) The School shall be open to members of all communities.
- (5) The Government may resume the land, wholly or in part of the any



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of the buildings thereon in the event of the infringement, if any, of the conditions of the grant. In the event of such resumption, no compensation shall be payable.

- (6) The Government may resume the land wholly or in part, with any buildings thereon, if in the opinion of the Government the land is required for a **public purpose** or for conducting mining operations.

27. The few conditions stated above would explicitly reveal that the Government reserved its right to resume the land wholly or in part, with any building thereon, if the land is required for the public purposes. If there is any infringement of the conditions, then also the Government is empowered to resume the land.

28. Therefore, there is no ambiguity in respect of the conditions stipulated in the assignment and the Government has got powers to resume the land in the event of violation of the assignment conditions or if the Government is of an opinion that the land wholly or in part is required for the public purposes or for conducting mining operations.



29. In context of the above assignment conditions, let us now consider the order passed by this Court in W.P.Nos.13610 to 13612 of 2015 filed by the encroachers of the assigned land. This Court made an observation that Late Mr.Krishnamurthy, the then teacher of the petitioner School was permitted to cultivate paddy in the encroached portion of the land. Mr.D.Chandran, who was working as Watchman under the said Mr.Krishnamurthy and upon the passing away of Krishnamurthy, the said watchman / Mr.D.Chandran had started utilising the land for commercial purposes. The petitioner School, though instituted a Civil Suit for recovery of possession, not presumed the Civil Suit and abandoned the Suit. They allowed the encroachment with the full consent and knowledge and the School has not taken any steps to recover the possession from the encroachers. The inaction and omission of the petitioner paved way for the encroachers to claim assignment / patta in their name by filing writ petitions and by approaching the Government Authorities.

30. The above fact was admitted by the petitioner / School in their own affidavit. When the petitioner themselves have permitted a Teacher of



the School for cultivating the land and after his death, the Watchman had taken the possession of the land and utilised the land for commercial purposes, then the petitioner / School has no locus to claim that they need the said portion of the land for future expansions / developments.

31. When the petitioner / School has failed to protect the assigned land for the Educational purposes, now the said land has been resumed for the purpose of construction of Commissionerate of Police, Tambaram, in the public interest, which is a Public Institution. Thus, the reasons stated by the Commissioner of Land Administration is sound enough to form an opinion that the petitioner is not entitled for the relief of patta in respect of the resumed portion of the land.

32. Looking into the order passed by the Commissioner of Land Administration, in reference 3, the representation received from Honourary Secretary, Valluvar Gurukulam / writ petitioner dated 11.03.2013, 07.01.2014 and 12.03.2014 were considered.



33. The representation dated 28.12.2009 was addressed to the Tahsildar, Tambaram Taluk, and the letter dated 04.03.2011 was addressed to the Chief Secretary, Government of Tamil Nadu.

34. The Commissioner of Land Administration categorically considered the violations of the conditions as per the field report and the records and also the reply submitted by the writ petitioner / Valluvar Gurukalam. Both the violations and the reply are considered by the Commissioner of Land Administration and the order impugned was passed by stating that the petitioner is not entitled for grant of patta and consequently the proposal of the District Collector, Chengalpattu was accepted in exercise of powers conferred under the RSO 24(7)(b). Consequently, the Commissioner of Land Administration ordered for resumption of unutilised lands measuring to an extent of 4.65 acres in S.No.307/2, 308/1, 308/3 and 309/1 in Tambaram Village and Taluk, Chengalpattu District from the petitioner / School.

35. Regarding the principles of natural justice, notice was issued by the authorities on 21.11.2022. In response to the notice, the petitioner also



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submitted their explanations on 28.11.2022. The show cause notice and the reply along with the field inspection report were submitted by the District Collector to the Commissioner of Land Administration for passing appropriate orders. The Commissioner of Land Administration also passed the order impugned dated 16.12.2022. Considering the order of the Commissioner of Land Administration, the Government also issued an order in G.O.Ms.No.56, Revenue and Disaster Management Department, Land Disposal Wing dated 01.02.2023, which is also impugned in the present writ petition.

36. The Government order issued clearly states that the portion of the land was kept vacant and hence, the encroachment was made by one Mr.D.Chandran and two others. The three writ petitions filed by the encroachers was dismissed by the High Court on 20.10.2022, with a direction to evict encroachment from the subject land and the land can be transferred for the construction of Office building in favour of Commissionerate of Metropolitan Police Tambaram. Pursuant to the orders of the High Court, the encroachers were evicted from the portion of the property and the subject land was given to the Commissionerate of



Metropolitan Police Tambaram.

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37. Importantly, the government considered the field inspection report submitted by the District Collector stating that adjacent to Valluvar Gurukulam they own patta land measuring an extent of 0.5555 Sq.m stagnated in Old S.No.150 (part), Ward B, Block 35, T.S.L.R.No.57 classified as “Ryot-Punjai” was situated and it was rented to Hindu College of Nursing, Just Bicycle Showroom, Bharat Petrol Bunk (Retail sale) Amudhasurbhi Mess and Axis Bank ATM. Thus, the private patta land belonging to the petitioner was leased out for commercial purposes and they are earning a huge money.

38. Based on the above facts and considering the violations of conditions committed by the petitioner, the recommendations of the District Collector Chengalpattu to resume the land back to the Government was considered and the Government has decided to utilise the portion of the land for construction of Commissionerate of Metropolitan Police Tambaram.



39. The explanations submitted by the writ petitioner was taken into consideration by the Commissioner of Land Administration and the Government. The petitioner / School themselves admitted in their explanation that the land in S.No.308/1 was utilised for raising crops, which is a gross violation of conditions of alienation. Admittedly, the subject land was originally assigned for school purposes and it was mis-utilised and the petitioner / School allowed third parties to encroach upon the land who in turn filed a writ petitions, which was dismissed by the High Court. Therefore, the Government also considered all the facts and circumstances including the representation submitted by the petitioner.

40. As far as the assignment order issued in G.O.Ms.No.794, Revenue Department, dated 18.04.1944 is concerned, the Government reserved its right to resume the land wholly or in part with any building thereon if in the opinion of the Government the land is required for public purpose or for conducting mining operations. Therefore, the petitioner is well aware of the fact that the Government is empowered to resume the land wholly or in part with any building thereon. In such circumstances, when the petitioner themselves admitted the fact that they have permitted some



third parties to utilise the land for cultivation purposes and those encroachers have subsequently filed writ petitions and dismissed and the petitioner has not pursued the suit instituted by them for recovery of possession, there is no reason to form an opinion that the further opportunity is required to the petitioner. The petitioner / School is well aware of the fact and they themselves had admitted those facts in their own affidavit filed in support of the present writ petition. Therefore, the contentions of the petitioner / School that the principles of natural justice has been violated is untenable.

41. The assignment conditions issued in G.O.Ms.No.794, Revenue Department, dated 18.04.1944, are binding on the petitioner. They have admitted the violations even in the affidavit filed in support of the present writ petition. Beyond that, the Tahsildar, Tambaram, in letter dated 16.08.2022, intimated about the writ petitions filed by the encroachers and asked the petitioner to implead themselves in the writ petitions. But the petitioner had not impleaded themselves. Notice was issued by the authorities competent seeking explanation of the petitioner and the petitioner / School had submitted their explanations which was considered



by the District Collector while sending report to the Commissioner of Land Administration. The Commissioner of Land Administration as well as the Government considered the explanations submitted by the writ petitioner and elaborately made a finding, on how the defence was taken by the writ petitioner in their explanations. Over all facts and circumstances and the conduct of the petitioner in respect of encroachment would be sufficient for arriving at a conclusion that there is no violation of principles of Natural Justice.

42. The petitioner claims to be a charitable institution. No doubt, when the lands were assigned, they were doing charity to a particular category of people. But as of now, the petitioner is collecting fees from the students for English Medium classes and English medium classes are conducted in large scale. The learned counsel for the petitioner made a submission that they are receiving a sum of Rs.7,000/- per student. That being the factum, the petitioner / School as of now cannot be construed as a complete charitable institution. They are collecting fees from the students and admitting two categories of students and beyond that they have rented out their patta land for commercial activities and earning huge profits.



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43. However, the Government has already resumed the portion of the land measuring to an extent of 4.65 acres from the petitioner and allotted the said land for construction of office building for Commissionerate of Metropolitan Police, Tambaram. Even as per the Tamil Nadu Private Schools (Regulation) Rules, the requirement for running a school in Municipal area is 8 grounds, in town Panchayat areas is 10 grounds, in District is 7 grounds and in Corporation area is 6 grounds and in Metropolitan Development Authority area is 5 grounds. However, now the petitioner / School is in possession of more than 4 acres and they are owning patta land nearby the locality. In view of these facts, the petitioner is not entitled to retain the entire land measuring 9.77 acres originally assigned in the year 1944.

44. Charitable activities generally target specific beneficiaries or a particular section of public. These, beneficiaries could be individuals, communities or entities that require help to improve their circumstances.



45. The key distinction lies in the specific beneficiaries and objectives of charitable activities compared to the broader, collective focus of public interest actions. Charity typically has a narrower scope, addressing specific needs, while Public interest considerations are of broader impact on the society as a whole.

46. It is essential to note that there can be overlaps between charity and public interest, as many charitable activities also serve public interest. The law may recognize and support both concepts, as they both contribute to the well-being and betterment of the society. However, they are approached and regulated differently to ensure that the different purpose and beneficiaries are appropriated and protected.

47. Charity is intended to benefit a section of people, whereas the public purposes is intended to benefit the public in general. So when a conflict arises between these both, the interest of the public at large must be at the forefront. Neither purpose is lesser than the other, but in the case of a conflict, the larger public interest precedes charity. Charity is also for the promulgation of public interest, but the benefit approved will reach only a



section of the public, whereas the public schemes are far reaching and benefiting the general public at large.

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48. When both the charitable purposes and public interest are weighed, the balance is sought to be achieved to the maximum extent possible to ensure that the benefit reaches the largest section of the population and the benefits are enjoyed by the common man.

49. Land acquisition or resumption of Government land by the Government is based on the doctrine of “eminent domain”, which is similar to the public trust doctrine. The doctrine of eminent domain provides that the 'State' has an overarching control over the land, and in this regard, it is guided by two principles:

- (1) “Salus populi est suprema lex”, meaning that the welfare of the people is the most important; and
- (2) “Necessitas publica est major quam private”, meaning that public necessity is greater than private necessity.



50. The standard must take into account the factor of the number of people being affected due to resumption of Government land and the potential number of people benefiting from such resumptions of Government land.

CONCLUSION:

51. The Government has already resumed portion of the land without affecting the running of school by the petitioner. Therefore, the charitable activities if at all continue as per the original object of the petitioner institution, the same has not been interfered with nor affected.

52. Considering the facts and circumstances, this Court has arrived at an inevitable conclusion that the petitioner failed to establish their case for the purpose of granting relief as such sought for in the present writ petition. Thus, the authorities competent shall proceed with the construction project of the Commissionerate of Metropolitan Police at Tambaram and complete the same as expeditiously as possible for the benefit of the public at large.



53. Accordingly, the Writ Petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

26.07.2023

Jeni/Shi

Index : Yes

Speaking order

Neutral Citation : Yes

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai – 600 009.
- 2.The Collector,
Kancheepuram District,
Kancheepuram.
- 3.The Revenue Divisional Officer,
Tambaram, Chennai – 600 045.
- 4.The Tahsildar,
Tambaram Taluk,
Tambaram, Chennai – 600 045.



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5. The Commissioner of Land Administration,
Land Administration Department,
Chepauk, Chennai – 600 005.

6. The Collector,
Chengalpattu District,
Chengalpattu.



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