



W.A.No.3575 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2024

CORAM:

THE HONOURABLE MR JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR JUSTICE C.KUMARAPPAN

W.A.No.3575 of 2024
and
C.M.P.Nos.27773 and 27775 of 2024

1. The Church of South India Trust Association,
A Company Registered under the Indian Company's Act, 1913,
Tiruchirapalli - Thanjavur Diocese,
Rep. by its Bishop's Commissary,
Rev.A.Suresh Kumar,
Having Office at CSI Diocesan Office,
Puthur, Tiruchirapalli - 620017.
[Cause title accepted, vide order of Court dated
26.11.2024 made in C.M.P.No.27052 of 2024 in
W.A.SR No.158580 of 2024]

...Appellant

Vs.

1. The Revenue Divisional Officer,
V.O.C.Road,
Mannargudi, Tamil Nadu - 614 001.

2. The Tahsildar,
Taluk Office Road,
Mannargudi, Tamil Nadu - 614 001.



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3. The Revenue Inspector,
Taluk Office Road,
Mannargudi, Tamil Nadu - 614 001.
4. The Sport Development Authority of Tamil Nadu,
Rep. by its Member Secretary,
Jawaharlal Nehru Stadium, Raja Muthiah Road,
Periyamet, Chennai - 600 003.
5. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
6. The Chief Educational Officer,
Thiruvavarur District,
Thiruvavarur.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 22.11.2024 made in W.P.No.32993 of 2023 and to grant the relief as prayed for in the Writ Petition.

For Appellant	:	Mr.T.Mohan, Senior Advocate for Mr.Vikram Veerasamy
For Respondents	:	Mr.P.S.Raman, Advocate General assisted by Mr.S.John J.Raja Singh, Additional Government Pleader (for R1, R2, R3, R5 & R6) Mr.Richardson Wilson (for R4)



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J U D G E M E N T

WEB COPY (*Judgement of the Court was delivered by **R.SUBRAMANIAN, J.***)

The appellant challenged a notice issued by the Firka Revenue Inspector, dated 15.09.2023, inviting objections from the general public for the transfer of land in Ward No.1, Block No.95, T.S.No.63 of Ashesham Village, Mannargudi Taluk, Tiruvarur District.

2. According to the appellant, the said land originally belonged to the Wesleyan Methodist Missionary Trust Association and by a registered deed dated 11.05.1961, the said Trust Association transferred the land to the appellant. From then on, the land has been used as a playground for reputed educational institution, viz., the Findlay Higher Secondary School, Mannargudi. Since the appellant is the owner of the land and the ownership has been acknowledged by the Government on various occasions, the appellant sought a Writ of Certiorarified Mandamus to quash the said notice and to forbear the respondents from proceeding further pursuant to the impugned notice.



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3. Though elaborate pleadings were made in the Writ Petition as to the ownership of the land and the nature of its occupation, the Writ Court concluded that the challenge itself is premature and disposed of the Writ Petition with a direction to the appellant to submit its objections for consideration by the Government. The Writ Court also made certain further directions, which are actually beyond the scope of the Writ Petition itself. Aggrieved by such disposal of the Writ Petition, the appellant has come up with this appeal.

4. We have heard T.Mohan, the learned Senior Counsel appearing for the appellant, Mr. P.S.Raman, learned Advocate General assisted by Mr.S.John J.Raja Singh, the learned Additional Government Pleader appearing for the respondents 1, 2, 3, 5 and 6 and Mr. Richardson Wilson, the learned counsel for the fourth respondent.

5. While Mr. T. Mohan, the learned Senior Counsel for the appellant, would invite us to various documents, which, according to him, would



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prove beyond doubt that the appellant is the owner of the land and contend that the attempt by the State to treat this land as Poramboke and transfer it to another organisation, which is a Society, cannot be permitted.

6. The Advocate General, on the other hand, would submit that the very Writ Petition is premature and all that has been done is only to invite objections from the public for the proposal to transfer the land. It would be open to the appellant to submit its objections to the concerned authority and the same would be considered in accordance with law. He would also point out that the Revenue Standing Orders provides an elaborate procedure for transfer of land from one Government Department to a Society, or a Company, or an Association of persons. He would assure the Court that the procedure prescribed would be followed meticulously.

7. When we queried Mr. T. Mohan, the learned Senior Counsel, as to the grievance, he would point out that while disposing of the Writ Petition by observing in paragraph 64(i) that the respondents 1 to 3 will consider the objections and pass a reasoned order, the learned Judge has gone ahead and



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issued several directions regarding the very user of the land in future, which are beyond the scope of the Writ Petition. According to him such directions would be taken as a licence by the Government to proceed with its plan to barter away the land belonging to the appellant to the Society. According to Mr. T. Mohan, the learned Senior Counsel, the action of the Government is akin to the Tamil saying, “கடை தேங்காயை எடுத்து வழிப்பிள்ளையாருக்கு உடைப்பது.”

8. In response to the submission of Mr. T. Mohan, the learned Senior Counsel, the learned Advocate General would state that the objections would be considered and if the Government comes to the conclusion that the land in fact belongs to the appellant, the further directions cannot be and will not be, complied with. The learned Advocate General would maintain that the land, which is classified as Government Poramboke in the Revenue Records throughout, belongs to the Government. We are not expressing any opinion on the said controversy, as it is not for us to decide who is the owner of the land. The question as to who is the owner of the land has not arisen and sitting under Article 226 of the Constitution of India, we cannot also decide as to who is the owner of the land.



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9. As rightly pointed out by the learned Advocate General, the very Writ Petition is premature, as the challenge is only to a notice inviting objections. Both parties argued a title suit before the Writ Court, inviting certain observations, which are not now palatable to the appellant.

10. We are, however, unable to subscribe to the directions issued by the Writ Court after having held that the Writ Petition itself is premature. We therefore conclude that the directions issued by the learned Single Judge in paragraph 64(ii), (iii) & (iv) ought not to have been issued before a decision is reached by the Government on the objections submitted by the appellant and other members of the public in general in response to the notice impugned in the Writ Petition.

11. We find that the sub-paragraphs (ii) to (iv) of paragraph 64 really run counter to the direction contained in sub-paragraph (i), which requires the Government to consider the objections and pass reasoned orders. Hence, the directions issued in sub-paragraphs (ii) to (iv) of paragraph 64 are set



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aside. Consequently, the directions issued in sub-paragraph (vi) will also go.

The Government will consider the objections of the appellant as well as other members of the public on their own merits, without being influenced by any of the observations made by the learned Single Judge in the order impugned before us and pass orders in accordance with the Revenue Standing Orders. It is made clear that the *status quo* prevailing as on date shall not be disturbed till official transfer is effected.

12. This Writ Appeal is disposed of with the above observations.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

(R.S.M., J.) (C.K., J.)

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No



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