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W.A.No.1099 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2025

CORAM:

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

W.A.No. 1099 of 2023
and
C.M.P.No.11159 of 2023

1. Annai Anadhai Illam,
Rep. by its President Mr.N.R.Dhanapalan,
Redhills Road, Pudur, Ambattur,
Chennai – 600 053.

2. Annai Violet International School,
Redhills Road, Pudur, Ambattur,
Chennai – 600 053.

...Appellants

Vs.

1. Government of Tamil Nadu,
Rep. by Additional Chief Secretary,
Revenue Department,
St. George Fort, Secretariat,
Chennai – 600 005.

2. The Additional Chief Secretary/
Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

3. The District Collector,
Tiruvallur District,
Tiruvallur – 602 001.

4. District Revenue Officer,
Tiruvallur District,
Tiruvallur – 602 001.



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5.Revenue Divisional Officer,
Ambattur Road,
Ambattur, Chennai – 600 053.

6.Tahsildar,
Ambattur Taluk,
Tiruvallur High Road,
Gandhi Nagar,
Ambattur, Chennai – 600 053.

7.B.Harikrishnan

...Respondents

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 08.10.2020 in W.P.No.14225 of 2020, allow the Writ Petition as prayed for.

For Appellants : Mr.Godson Swaminath
for M/s.Isaac Chambers

For Respondents : Mr.R.Ramanlal, Addl. Advocate General,
Assisted by Mrs.Akila Rajendra,
Government Advocate for R1 to R6
R7 – Not ready in notice.

J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

Under assail is writ order dated 08.10.2020 in W.P.No.14225 of 2020.

2. Writ Petitioners are appellants before this Court. Annai Anadhai Illam and Annai Violet International School are the appellants. Government of Tamil
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Nadu in their G.O.Ms.No.3840 dated 28.06.1973 has assigned an extent of 5 acres of land in S.No.122/3 of Oragadam Village to appellants. Government land was assigned for running Balawadi and service home for widows and destitute women. After assignment in the year 1973, 1st appellant Annai Anadhai Illam is using assigned land for the purpose of running home for widows and destitute women. In the year 2014, 1st appellant constructed a building and started a school in the name of Annai Violet International School affiliated to CBSE. During inspection, Tahsildar found that the said School affiliated to CBSE is functioning in violation of assignment conditions and thus submitted a report to competent Authority. It is not in dispute that Government land was assigned in name of Annai Anadhai Illam at free of cost for running home for widows and destitute women. Since Government land has been utilized for commercial purpose by constructing a school affiliated to CBSE, action was initiated by Government. Tahsildar, Ambattur submitted a report on 17.11.2023 stating that a wall has been erected around area where Annai Anadhai Illam and Annai Violet International School are located. Annai Anadhai Illam campus is located on 1.62 acres of land and Annai Violet International School is located on 1.59 acres of land. Hostel, Kitchen, Dining Hall, Store Room and Tailoring Institute buildings are located in Annai Anadhai Illam premises and are a part of Annai Anadhai Illam. Further a School building, Playground, Parking and Swimming Pool are located in Annai Violet International School premises. A map showing above details also submitted by



Tahsildar. Since appellants violated assignment conditions and using Government property commercially in violation of Clause 24(6)(2) of Revenue Standing Orders, action was initiated to resume Government land.

3. Learned counsel for appellant would mainly contend that construction of School cannot be construed as different purpose. CBSE School is not being run on commercial basis and they are collecting actual fee as fixed by CBSE. Thus usage of land for running CBSE School cannot be construed as commercial purpose and therefore decision of Government is bad in law. Appellants have not violated assignment conditions. That apart, similar other cases are considered by Government. Thus, writ order impugned is to be assailed.

4. Learned Additional Advocate General would oppose by stating that Government land was assigned on condition basis. Conditions under Revenue Standing Orders would apply. Original assignment order dated 28.06.1973 issued in G.O.Ms.No.3804, in unambiguous terms stipulates that assigned land is to be utilized for establishing home for widows and destitute women. Assigned land cannot be used for any other purpose other than the purpose for which Government land was assigned for free of costs. Since appellant converted assigned land for running a commercial School affiliated to CBSE by putting up construction and dividing property, actions are initiated



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to resume land. That apart, request made by appellants were rejected by Commissioner of Land Administration and the said decision was confirmed by Government. Therefore, Writ Appeal is to be rejected.

5. This Court heard rival submissions made between parties to lis on hand.

6. It is not in dispute that Government land was assigned under G.O.Ms.No.3804, Revenue dated 28.06.1973 at free of cost to run home for widows and destitute women. All along appellants utilized subject land for the said purpose. Suddenly they have constructed a School in the year 2014 by dividing assigned Government lands and thereafter action was initiated by Revenue Authorities. Revenue Authorities during inspection found that assigned land has been mis-utilized in violation of conditions stipulated in Revenue Standing Order No.24(6)(2). Thus Tahsildar, Ambattur submitted a detailed report regarding said violation. Complaints were received. Based on complaints action was taken by Revenue Authorities. Additional Chief Secretary/ Commissioner of Land Administration conducted enquiry by affording opportunity to all the parties including appellants. Appellants were represented through counsel before Commissioner of Land Administration. Commissioner of Land Administration elaborately adjudicated issues and made a finding which reads as under:-



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As per the direction of Hon'ble High Court of Madras in W.P.No.26512/2018, dated 9.10.2018, this case was heard on 31.1.2019 and 14.2.2019. The arguments, written statements along with the documents submitted by the petitioner and also respondent have been carefully examined and considered. The relevant revenue records along with sketch have also been perused. It is ascertained that, from the District Gazette of Tiruvallur District No.22, dated 14.6.2004, an extent of 1.26.5 hectares out of total extent of 2.02.5 hectares have been classified as Dry, Anna Anadhai Illam from the classification of Pudhu Eri Thangal. The lands are allotted for running a Balwadi and a Service Home for Widows and destitute women, free of land cost and to be known as Kanimozhi Kuzhanthaigal kappagam. As per the perusal of sketch, Anna Anadhai Illam is functioning on an extent of 1.62 acres (6583 sq.mtr.) and Annai Violet International School is functioning on an extent of 1.59 acres (6448 Sq.mtr.) Having examined the issue in detail, I find no merits in the claim of the petitioner and false averments have been put forth. Government lands in those days were given to private organizations for providing charitable services to the poor and downtrodden. In this case, the purpose for which the lands were alienated had not been utilized. Government lands in the area is very valuable and precious. Any violation noticed needs to be taken with strict law enforcement in the interest of State. Resumption of Government lands is the only choice for violating the



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conditions, I confirm the orders of the District Collector, Tiruvallur in the reference 1st cited and direct the District Collector to resume the lands by following the procedure and report compliance.

7. Appellants preferred revision before Government. Government also independently considered issues and rejected the revision petition under G.O.(1D) No.323, Revenue and Disaster Management Department, Land Disposal Wing, dated 22.09.2020 and operative portion of said order reads as under:-

14. The Government, after careful examination, have decided to accept the arguments, written statements along with the documents submitted by the petitioner, relevant reports from the Tahsildar, Ambattur, District Collector, Chennai and Additional Chief Secretary/ Commissioner of Land Administration were examined in detailed in light of the rules prevailing in force.

i. The Government lands in question 5 acres were allotted for running Balwadi and a Service Home for widows and Destitute women and children at free of cost as per G.O.Ms.No.3804, Revenue Department, dated 28.06.1973. In the said land, in 1.59 acres, Annai Violet International School is functioning and it is clearly evident the said premises is not utilized for specified purpose and it is used for personal gains. Moreover, in the said land, big Structures were erected which is a



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clear violation of condition of alienation.

ii. The petitioner has not produced any valid additional points/ documents/ evidence in support of his claim or favour for using the valuable Government land which were given at free of costs for serving the destitute women and widows were being used for running an International School by Collecting fees.

lii. The Government find no merits in the claim of the petitioner and due to violation of condition of alienation under RSO 24(6), the orders of Additional Chief Secretary/ Commissioner of Land Administration in his Proceedings No.F3/22524/2017, dated 21.08.2019 is hereby confirmed.

15. The Commissioner of Land Administration and the District Collector, Chennai are directed to take necessary action to resume the lands in question as per rules in force and report compliance.

8. Therefore, defence taken by appellants were elaborately considered both by Commissioner of Land Administration as well as by Government. It is an admitted fact that appellants developed a School affiliated to CBSE and that being factum established there is no reason to interfere with the decision of writ Court and same stands confirmed. Respondents shall proceed to resume the Government land. That apart subject land has been classified as “*Pudhu Eri Thangal*”, which is water body. Assignment in water body itself is prohibited under RSO and void. Thus, initial assignment itself cannot be



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construed as valid. On account of assignment of these water bodies, people in that locality would be facing floods during rainy season. Government is obligated to maintain water bodies and to preserve it and to protect life of the people as mandated under Constitution of India. In present case, land situated falls within Chennai city. Thus water bodies are to be protected. Issue regarding protection of water body has been elaborately considered by Full Bench of this Court in ***T.K.Shanmugam vs. State of Tamil Nadu*** reported in **2015-5-L.W.-397**.

9. Accordingly, Writ Appeal stands **dismissed**. No costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S., J.) (M.S.Q., J.)
06.11.2025

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



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To

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