



W.P.No.20188 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON : 05.06.2025

PRONOUNCED ON : 09.06.2025

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.20188 of 2025

and

WMP.Nos.22759 & 22761 of 2025

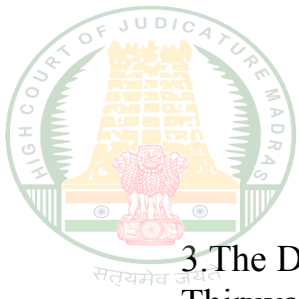
1. The Church Of South India Trust Association,
A Company Registered Under The Indian Company's Act 1913,
Tiruchirappalli-Thanjavur Diocese,
Rep By Its Moderator's Commissary,
Jeyasingh Prince Prabhakaran D,
Having Office At Csi Diocesan Office,
Puthur, Tiruchirappalli-620 017

... Petitioner

Vs.

1. The State Of Tamilnadu
Rep By Its Secretary,
Revenue And Disaster Management Department,
St.George Fort, Secretariat,
Chennai-600 009

2.The Additional Chief Secretary
Revenue And Disaster Management Department,
St.George Fort,
Secretariat,
Chennai-600009



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3.The District Collector
Thiruvavarur District,
Thiruvavarur

4.The District Revenue Officer
Thiruvavarur District,
Thiruvavarur

5.The Revenue Divisional Officer
V.O.C Road,
Mannargudi,
Tamilnadu-614 001

6.The Tahsildar
Taluk Office Road,
Mannargudi,
Tamilnadu-614 001

7.The Sport Development Authority Of Tamilnadu
Rep By Its Member Secretary,
Jawaharlal Nehru Stadium,
Raja Muthiah Road,
Periyamet, Chennai-600003

8.The Director Of School Education
DPI Campus,
College Road,
Chennai-600006

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned G.O.(Ms)No.251, Revenue and Disaster Management Department Land Disposal Wing, LD3(2) Section dated 19.5.2025, which was received by the petitioner on 27.05.2025, passed by the 1st and 2nd respondents and quash the same and consequently forbear the



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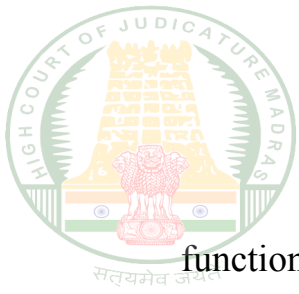
respondents from interfering with the peaceful possession of the petitioner's land in Ward No.1, Block No.95, Old survey No.4542 and New Survey No.63 admeasuring an extent of 2.83.50 hectares.

For Petitioner	: Mr.T.Mohan, Senior Counsel for Mr.Vikram Veerasamy
For Respondents	: Mr.P.S.Raman, Advocate General asst. by Mr.Richardson Wilson for R1 to 7 Mrs.S.Mythreye Chandru, Special Government Pleader (Education) for R8

ORDER

This petition has been filed challenging G.O.Ms.No.251, Revenue and Disaster Management Department, Land Disposal Wing, LD3(2) Section, dated 19.05.2025, passed by the first and second respondents, and consequently forbear the respondents from interfering with the peaceful possession of the petitioner in the suit property at Old Survey No. 4542, New Survey No. 63, admeasuring an extent of 2.83.50 hectares.

2. The case of the petitioner is that the petitioner manages and supports numerous schools, colleges, and other educational initiatives across South India. One such institution is functioning at Mannarkudi, Thiruvarur District, named as Findlay Higher Secondary School. This school is



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functioning from the year 1862 and it has a student strength of nearly 1100.

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3. The further case of the petitioner is that Wesleyan Methodist Missionary Trust Association, London was holding various immovable properties. After the formation of the Church of South India, the trust association decided to transfer a few of those properties to the petitioner. Accordingly, through a transfer deed dated 11.05.1961, the trust association transferred lands comprised in Survey Nos.4551/2, 4553/1, 4553/2, 4556, 4542 to 4548, 4554 and 4555 measuring a total extent of 11 acres and 78 cents at Mannargudi Town. This document was registered as Document No.2146/1961 on the file of SRO, Madras – Chengalpat District. The subject matter of the present writ petition is Survey No.4542, which carries a new Survey No.63, measuring an extent of nearly 7 Acres. This property stands in the name of Findlay Higher Secondary School in the 'A' Register, Village Adangal, TSLR, etc. The school is utilising this vacant land as a playground and for conducting various sports meet. An attempt was made by the revenue authorities to enter the property belonging to the petitioner and conduct a survey. On inquiry, it was brought to the notice of the petitioner that the property has been classified as Government land, and so the Government



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authorities are contemplating taking over the said land for the purpose of building a stadium.

4. A notice dated 15.09.2023 came to be issued to the petitioner, calling for objections from the petitioner with respect to the proposal to utilize the land to construct a stadium by the Sports Development Authority of Tamil Nadu. This notice became a subject matter of challenge in WP.No.32993 of 2023. This Court, after hearing both sides, passed a detailed order dated 22.11.2024, and the operative portion of the order is extracted hereunder,

“64. In such view of the matter, while this Court is not inclined to quash the impugned notice, however, the writ petition stands disposed of with the following directions :-

i) Upon receipt of objections and considering the same in accordance with law, it is open to the respondents 1 to 3 to hand over the requisite portion of the lands, as has been averred in the counter of the 1st respondent, to the 4th respondent, for the construction of a sports stadium for public purposes by passing appropriate reasoned order.



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ii) Since the land in Old S. No.4542, New TS. No.63, Block No.95, Mannargudi Taluk, Tiruvarur District, has all along been used as a playground by the petitioner school as well as other schools in the locality, the District Collector, Tiruvarur, is directed to ensure that the balance portion of the unused land shall be maintained by the Mannargudi Municipality by duly fencing the entire lands and the said portion shall be earmarked as playground for utilisation by the schools in the locality for the students studying in the said schools.

iii) The portion of the land, which is allotted to the 4th respondent for construction of sports stadium, shall also be made available to the petitioner school as well as the other schools in the locality as and when sports events are conducted by the schools in addition to the stadium being used for public purposes related to sports activities.

iv) It is also made clear that since a portion of the land has been allowed to be utilised for the construction of a sports stadium, the balance portion is directed to be maintained as school playground for being utilised by all the schools in



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the locality, including the petitioner, this Court directs the Secretary, Education Department, to instruct all the authorities, including the Director of School Education and Director of Higher Education not to take any action with regard to cancellation of recognition for the school of the petitioner as also the other schools in the locality citing want of space for playground.

v) Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

vi) Registry is directed to mark a copy of this order to the Secretary, Education Department, Government of Tamil Nadu, who shall ensure the compliance of the directions issued by this Court at S. No. (iv) above by its subordinate authorities.”

5. The above order was put to challenge by the petitioner in WA.No.3575 of 2024. The writ appeal was partly allowed by order dated 06.12.2024 in the following terms:

“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



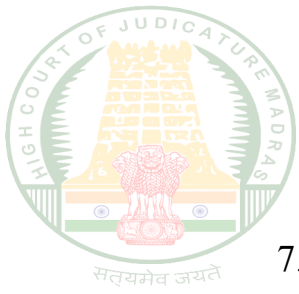
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and pass reasoned orders. Hence, the directions issued in sub-paragraphs (ii) to (iv) of paragraph 64 are set aside. Consequently, the directions issued in sub-paragraph (vi) will also go. The Government will consider the objections of the appellant 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.”

6. Pursuant to the above order, notice was issued to the petitioner to attend for the inquiry, and ultimately, the impugned Government Order in G.O.Ms.No.251, Revenue and Disaster Management Department, Land Disposal Wing, LD3(2) Section, dated 19.05.2025 came to be issued to the effect that the land in question is a Government Poramboke land and it is going to be utilized for public purposes benefiting the local people. Aggrieved by the same, the present writ petition has been filed before this Court.



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7. Considering the limited issue involved in the present writ petition, the same was taken up for final hearing at the admission stage.

8. Heard Mr.T.Mohan, learned Senior Counsel for Mr.Vikram Veerasamy appearing on behalf of the petitioner and Mr.P.S.Raman, learned Advocate General assisted by Mr.Richardson Wilson appearing on behalf of respondents 1 to 7 and Mrs.S.Mythreye Chandru, learned Special Government Pleader (Education) appearing for eighth respondent.

9. The main ground that was urged by the learned Senior Counsel appearing on behalf of the petitioner is that the petitioner is the absolute owner of the subject property by virtue of the transfer deed dated 11.05.1961, and the occupation of the petitioner is also borne out by the 'A' Register, Village Adangal, TSLR, etc. It was further submitted that the revenue authorities cannot reclassify the land as Government poramboke behind the back of the petitioner and in the strength of such an entry, take over the property from the petitioner. It was further submitted that the Government Order was issued without any application of mind and disregarding the title document available in the name of the petitioner. If at all the Government is



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questioning the title of the petitioner, they should have filed a suit before the civil court and sought for declaration, and they cannot resort to an indirect method of taking over possession by making an entry in the revenue records as if the land is a Government poramboke land.

10. Per contra, the learned Advocate General appearing on behalf of the respondents submitted that the earliest document that is available is of the year 1925, and in this resettlement register, it has been mentioned that Survey No.4542 is a school playground and that it belongs to the Government. It was submitted that there is absolutely no indication or any document available to prove the title of Wesleyan Methodist Missionary Trust Association or the Findlay Higher Secondary School. Hence, the transfer deed dated 11.05.1961 does not convey any title to the petitioner.

11. It is further submitted that right through the property has been identified only as a Government poramboke, and curiously, an entry was made in the TSLR in the year 2023 incorporating the name of Findlay Higher Secondary School. This mistake that was committed was subsequently corrected, and notice was issued to the petitioner by informing the petitioner



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that the land is a Government poramboke land and it is intended to be utilised for constructing a stadium. Hence, when there is a very serious dispute on the title, if at all the petitioner is aggrieved, the petitioner should only approach the civil court and establish the title, and such exercise should not be done in a writ petition under Article 226 of the Constitution of India. Accordingly, learned Advocate General sought for the dismissal of the petition.

12. This Court has carefully considered the submissions made on either side and the materials available on record.

13. The petitioner is claiming ownership over the property through a transfer deed dated 11.05.1961 executed by Wesleyan Methodist Missionary Trust Association. The earliest document that is available before this Court is the resettlement register of the year 1925. Survey No.4542, which is the subject matter in the present writ petition, is shown to be a Government land. If that is so, it is not known as to how the trust association acquired the right and title over the property. There is no document available to establish the title of the trust association. Even in the transfer deed dated 11.05.1961,



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there is no explanation or recital explaining the source from which the trust association was deriving its title. That apart, in every other revenue record, it can be seen that the property is described as Government poramboke land. For instance, in the gazette notification dated 24.06.1964, the ownership is shown to be that of the Government and the usage is by Findlay High School. Similarly, in the TSLR copy, it is shown as a school playground. As already stated, in the resettlement register, Survey No.4542 is shown as a Government land used as a school playground. The only entry which is taken advantage by the petitioner is the entry that was made in the year 2023 showing the name of the school in the TSLR. It was contended on the side of the respondent that this mistaken entry was subsequently corrected and it was restored to its original position by showing it as Government land.

14. The learned Senior Counsel appearing on behalf of the petitioner submitted that the petitioner had relied upon some judgments before the first respondent, but they were not even taken into consideration while issuing the impugned Government Order.

15. The first judgment that was relied upon by the learned Senior



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Counsel is the judgment of the Andhra Pradesh High Court in the case of

G.Satyanarayana Vs. The Government of Andhra Pradesh and Others

reported in **2014 SCC OnLine AP 334**. By relying upon that judgment, it was contended that where the land has been described both in the name of the Government as well as in the name of a private party, it must be construed as a private land, if the patta stands in the name of the concerned person.

16. The learned Senior Counsel also relied upon the judgment of this Court in ***Kupuswami Odayar and another Vs. Murugayyan, Narthangudi and Others*** reported in **84 L.W. 120**. This judgment was also relied upon for the very same proposition of law.

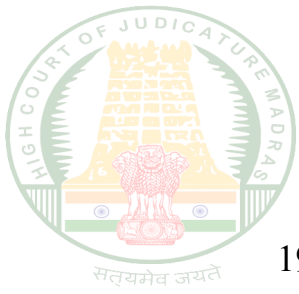
17. In the considered view of this Court, this Court cannot conduct a roving inquiry in deciding the right and title over the property in exercise of its jurisdiction under Article 226 of the Constitution of India. On a *prima facie* consideration of the materials placed before this Court, there is a serious dispute regarding the title over the property in Old Survey No. 4542. The fact that the Government is putting its foot down and stating that the



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property belongs to the Government clearly challenges the title of the petitioner. Such a stand is taken by the Government, based on the entries made in the revenue records. When such a cloud is created on the title of the petitioner, the petitioner has to establish the title only before the competent civil court and seek for the appropriate relief. The challenge is now made by the Government against the title of the petitioner based on the available records. In the absence of any document to show as to how the trust association became the owner of the property, more particularly when the earliest document which is of the year 1925 reflects the fact that the land belongs to the Government, the transfer deed by itself will not come to the aid of the petitioner.

18. Hence, this Court does not find any ground to interfere with the impugned Government Order passed by the respondents, and this Court will not venture into the issue of right and title over the property in the writ proceedings. Liberty is granted to the petitioner to approach the competent civil court and establish their right and title over the property by seeking for appropriate reliefs.



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19. In the result, this Writ Petition stands dismissed. No costs.

Consequently, the connected Miscellaneous Petitions are closed.

09.06.2025

Index : Yes
Internet: Yes
Speaking order
Neutral Citation : Yes

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To

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Rep By Its Secretary,
Revenue And Disaster Management Department,
St.George Fort, Secretariat,
Chennai-600 009

2.The Additional Chief Secretary
Revenue And Disaster Management Department,
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N.ANAND VENKATESH J.

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Pre-Delivery Order in
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