



W.A.Nos.2322 & 2323 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On: 29.04.2025

Pronounced On : 03.06.2025

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.Nos. 2322 & 2323 of 2023

And

C.M.P.Nos. 6043, 10053 of 2025, 26003, 26007 of 2024 & 19810 &
19814 of 2023

W.A.No. 2322 of 2023:

Kasturba Gandhi Kanya Gurukulam
Vedaranyam,
Rep. By its Trustee,
S.Chockalingam, IHO
Therku Kuthagai Katharipulam,
Vedaranyam Taluk.

.. Appellant

VS

1.The Government of Tamil nadu
Rep. By its Principal Secretary,
Department of Revenue and
Disaster Management,
Fort St.George, Chennai 600 009.

2.The Commissioner,
Commissionerate of Revenue and Disaster,



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Management, Ezhilagam,
Chepauk, Chennai – 600 009.

3.The District Collector
Nagapattinam.

4.The District Revenue Officer,
Nagapattinam.

5.The Revenue Divisional Officer
Nagapattinam.

6.The Tahsildar,
Vedaranyam.

7.O.S.Manian
(R7 impleaded vide order dated 08.01.2025
Made in C.M.P.Ns. 26001 & 26005/24
In W.A.Nos. 2323 & 2322/23 by SSSRJ & PDBJ)

8.V.Baskaran
(R8 impleaded vide order dated 08.04.2025
Made in CMP 29388/24 in WA2322/23)

.. Respondents

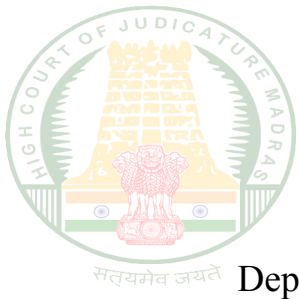
W.A.No. 2323 of 2023:

Kasturba Gandhi Kanya Gurukulam
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Rep. By its Trustee,
S.Chockalingam, IHO
Therku Kuthagai Katharipulam,
Vedaranyam Taluk.

.. Appellant

VS

1.The Government of Tamil nadu
Rep. By its Secretary,



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Department of Municipal Administration,
Fort St.George, Chennai 600 009.

2.The Director of Municipal Administration,
Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalai Puram, Chennai – 600 028.

3.The District Collector
Nagapattinam.

4.The District Revenue Officer,
Nagapattinam.

5.The Revenue Divisional Officer
Nagapattinam.

6.The Tahsildar,
Vedaranyam.

7.The Commissioner
Municipality, Vedaranyam.

8.O.S.Manian
(R8 impleaded vide order dated 08.01.2025
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9.V.Baskaran
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.. Respondents

Prayer in W.A.No. 2322 of 2023: Appeal filed under Clause 15 of Letters Patent to set aside order dated 25.07.2023 made in W.P.No.5141 of 2023.



W.A.Nos.2322 & 2323 of 2023

Prayer in W.A.No. 2323 of 2023: Appeal filed under Clause 15 of Letters Patent to set aside order dated 25.07.2023 made in W.P.No.6782 of 2023.

For Appellants : Mr.R.Singaravelan
Senior Counsel
For Mr.P.Jagadeesan
(in both appeals)

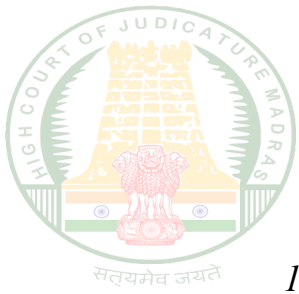
For Respondents : Mr.J.Ravindran,
Additional Advocate General
Assisted by
Mr.A.Selvendran,
Special Government Pleader
For R1 to R6
Mr.V.Raghavachari, Senior Counsel
For Mr.V.Kasinatha Bharathi for R7
Mr.S.Senthilnathan for R8
(in both appeals)

COMMON JUDGMENT

(Per :- Dr. ANITA SUMANTH.,J)

Kasturba Gandhi Kanya Gurukulam (appellant/KGK Gurukulam/Gurukulam) was established in 1946 at Vedaranyam by Sardar Vedarathinam, a Freedom Fighter and Gandhian. The object was to provide education along with board and lodge to girls who were economically unable to afford the same.

2. As on the date when the matter was closed for hearing, the KGK Gurukulam manages the following institutions and facilities.

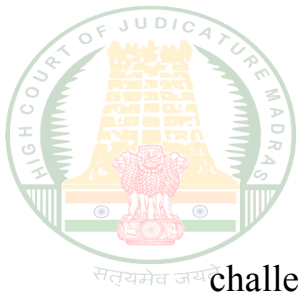


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- 1.Kasturba Gandhi Kanya Gurukulam Elementary School.
- 2.Kasturba Gandhi Kanya Gurukulam Girls Higher Secondary School.
- 3.Kasturba Gandhi Kanya Gurukulam Girls Destitute Children Home.
- 4.Goshala (Shelter for cattle, aiding in the Gurukulam's Self-sustenance Programs).
- 5.Kasturba Gandhi Kanya Gurukulam B.Ed College for Women.
- 6.Social Welfare Board aided Printing and Electronics Training Schools for Women.
- 7.Annappornalayam Charity Kitchen that provides free food to students and residents.
- 8.Lady staff quarters for women employees working with the Gurukulam.
- 9.Playgrounds for the Girls school and college
- 10.Bathroom and toilet facilities with biogas plant for adolescent girls (located within 200 Meters of the proposed Government construction site).
- 11.Separate bathroom and toilet blocks specifically for the women's B.Ed college

3. Two Writ Petitions were filed by the appellant, (i) W.P.No5141 of 2023, wherein the prayer was for a mandamus directing the Tahsildar, Vedaranyam/R6 to conduct an enquiry as per the direction issued by the Revenue Divisional Officer (RDO), Nagapattinam in R.C.2665/B3 dated 20.10.2021 in respect of the title to the land for which patta had been granted by R6 in proceedings No.K.Dis.13337/87 B5 dated 13.06.1988 and (ii) W.P.No.6782 of 2023 seeking a certiorarified mandamus



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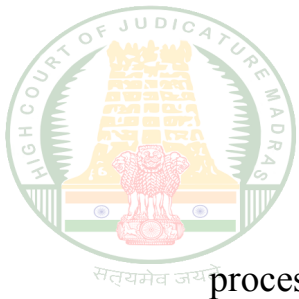
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challenging the display of a poster on 27.01.2023 /14.02.2023 on the compound wall of the land in S.Nos.632-10, 633, 634 and 635-1 in Maharajapuram Keezhpathi Village (in short 'lands in question') to the effect that the aforesaid lands belonged to Vedaranyam Municipality.

4. In the latter Writ Petition, the appellant had sought a direction to the respondents to adhere to, and follow the procedure for acquisition as per Sections 5 to 8 and 11 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short '2013 Act') for identification and procurement of land for public processes.

5. Both the Writ Petitions came to be dismissed on 25.07.2023, as against which the present Writ Appeals have been filed. The array of parties in the Writ Appeals are identical to that of the Writ Petitions, except that O.S.Manian, s/o. Somu and V.Baskaran, s/o. Vaithiyanathan, Joint Secretary, Parents-Teachers Association have been impleaded as R7 and R8 in W.A.No.2322 of 2023 and R8 and R9 in W.A.No.2323 of 2023.

6. Mr.R.Singaravelan, learned Senior Counsel appearing for Mr.P.Jagadeesan, learned counsel on record for the appellant assails the



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process by which the respondents have sought to trespass into the properties belonging to KGK Gurukulam, as, according to the appellant, those properties have been acquired specifically for the purpose of Gurukulam as early as in 1957 by way of Award bearing No.7 of 1957 dated 15.10.1957 issued by the Sub-Collector, Nagapattinam (Award).

7. He would submit that the process of acquisition culminating in passing of an award in favour of the appellant was in line with the procedure contemplated at the relevant point in time. The lands have been assessed by the revenue authorities and due compensation had been quantified which had also been paid by the appellant to the erstwhile owners of the acquired lands.

8. Copies of all documents including the award have been placed on file by the appellant. The appellant has been in continuous possession and ownership of the properties since the date of award, i.e., in excess of 65 years as on date. The KGK Gurukulam has set up various institutions therein and is in continuous management of those institutions. All those institutions are Government Aided and hence the State cannot disavow knowledge of these facts.

9. As the very functioning of the institutions managed by the



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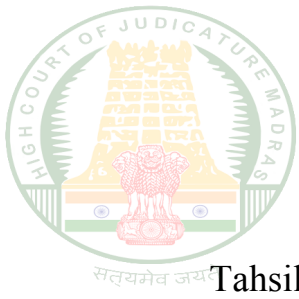
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Gurukulam has been with the support of the Government, it is too late in the day for the State to take the stand that the appellant is encroaching on the land upon which the institutions stand.

10. There are errors in the revenue records which had been pointed out to the authorities in or around 1988 and by letter dated 13.06.1988, the Tahsildar, Vedaranyam had also confirmed that the appellants are both in ownership and possession of the lands by issuing patta in their favour.

11. It was only in 2021 that a dispute had been raised by the State in regard to the ownership of the lands and this had arisen on account of the sudden move of R7 in W.A.No.2322 of 2023 and R8 in W.A.No.2323 of 2023, who is a Member of the Legislative Assembly (MLA) for that constituency who displayed an interest in the lands in order to construct a bus stand.

12. For the first time, after more than 6 decades, the official respondents, at the instance of the MLA took the stand that the appellant is an encroacher on Government poramboke lands. Immediately, the appellant had made a representation on 18.01.2021 staking its claim to the lands, enclosing all documents and addressing the same to the



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Tahsildar, Vedaranyam as well as other authorities including Chief Minister's Grievance Cell.

13. By proceedings in Na.Ka.No.5339/2020/B4 dated 02.02.2021, R6 had taken a stand adverse to the appellant confirming that the appellant is an encroacher in respect of the land on which the bus stand was proposed to be constructed and were pattadars in respect of other lands. According to R6, the lands on which KGK Gurukulam institutions stood pertain to Vedaranyam Maharajapuram Keezhpadi Village, Tiruthuraipoondi Taluk, Thanjavur District and vested in the State as per the Inam Abolition 'A' Register.

14. The revenue records also confirm the aforesaid position. On 05.02.2021, 07.07.2021 and 23.07.2021, the appellant reiterated its claims setting out the entire history of nearly seven decades in respect of their ownership, possession and management of the institutions on the land. On 20.10.2021, a memorandum was also issued by the RDO, Vedaranyam directing the Tahsildar, Vedaranyam to conduct enquiry.

15. On 18.05.2022, the Special Personal Assistant to Hon'ble Minister for Revenue and Disaster Management forwarded the representation of the appellant to the District Collector, Nagapattinam



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with the request for proper action to be taken thereupon.

16. While matters remained thus, the appellant had been shocked to read in the Thina Thanthi (Edition dated 04.12.2022) that Rs.115 crores had been allotted for construction of new bus stands, one of which would be in Vedaranyam on the lands belonging to the appellant herein. Thus, they were constrained to file two Writ Petitions seeking the relief as has been adumbrated above.

17. Learned Senior Counsel would submit with great passion that there had been no two opinions as regards the ownership and possession of the lands ad measuring close to 15 acres that had been acquired by the appellant as early as in 1957 till such time the proposal for construction of a new bus stand had come to be mooted in 2021.

18. The entire records relating to the award of the lands were available with the appellant and these cannot be brushed away merely by virtue of some entries in the revenue records. Clearly those entries were incorrect in light of the documentation provided by the appellant which have not been disproved by the respondents.

19. The directions of the RDO for conduct of a detailed enquiry have also not been honoured by the respondents thus far leading to the



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evident conclusion that the lands on which the bus stand is proposed to be constructed belong to the appellant only.

20. The educational institutions are being run solely for the benefit of female students. This is not been disputed and, in fact, those institutions are being supported by aid from the State. The respondents are thus fully cognizant of, and are, in fact, partners in the noble task being carried out by the appellant herein. Hence, it does not stand to reason that the Writ Court had dismissed the Writ Petitions merely based on the revenue records that were produced before it.

21. The voluminous documentation produced by the appellant even before the Writ Court has not been appreciated by the Writ Court and the erroneous entries in the revenue records have no sanctity in the place of the voluminous documentation produced. As a final submission, learned Senior Counsel would point out that if at all the project for construction of a bus stand must be proceeded with in public interest, then the State must be directed to follow the proper process as set out under the 2013 Act for acquisition after payment of due compensation.

22. Mr.J.Ravindran, learned Additional Advocate General assisted by Mr.V.Selvendran, learned Special Government Pleader and Mr.Alagu



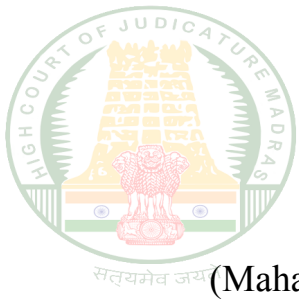
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Gowtham, learned Government Advocate appearing for the State vehemently contests the claim of the ownership of the lands by KGK Gurukulam. According to them, while the appellant is in ownership of other lands as pattadars, the bulk of the institutions stand on Government poramboke land.

23. They really have no answer as far as the question of the original acquisition and Award is concerned, as it is a matter of fact that the institutions have been standing in their present location from 1957 onwards. Notwithstanding this, and curiously, the State maintains that the appellant is an encroacher. The question that then arises is how the State has partnered the encroachment, further extending aid to the institutions regularly.

24. It is thus clear that the question of title to the land was never in doubt and was never a matter of uncertainty till such time the project for construction of bus stand had been mooted. Learned Additional Advocate General has, at our instance, produced some documents under compilation dated 26.02.2025. According to the respondents, those documents (extracts of registers and official records) indicate that the land upon which KGK Gurukulam stand, comprised an Inam estate



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(Maharajapuram Keezhpathi Village, No.93, Thiruthuraipoondi Taluk, Thanjavur District).

25. The extract of the Block Survey Settlement Register as well as the Gazette Notification establish that the Inam estate village vested in the State upon the passing of the Inam Estates (Abolition and Conversion into Ryotwari) Act 26/1963, vide G.O.No.781, Revenue Department dated 12.03.1965.

26. As far as the award is concerned, their case is that while the passing of the award by the Sub-Collector is not disputed, the award ought to have been ratified by the Board of Revenue, which has not been done. Since the award had not been ratified by the Board of Revenue, it ceases to be an enforceable award.

27. They would also not agree that consideration had been paid by the appellant to the erstwhile owners. According to them, even assuming that proper process had been followed culminating in the award itself, such award would attain legal force only if it had been ratified by the Board of Revenue which had not transpired.

28. Learned Additional Advocate General also argues that the Writ Petitions are not maintainable, since the prayer in W.P.No.5141 of 2023



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is in the nature of a declaration relating to title for land which cannot be sought in a Writ petition. That apart, vide orders passed in 2021, the claim of the appellant to those lands has been categorically rejected by the Tahsildar and those orders have become final. Hence, the appellant cannot seek to lay claim to title for land, disguising a plea for Declaration as a Mandamus.

29. The respondents had been specifically directed to produce the results of the enquiry ordered on 20.10.2021 by the RDO. Admittedly, the directions of the RDO have not been complied with and no documents are produced that indicate otherwise.

30. Learned Additional Advocate General would also submit that the notice under Section 7 of the Act had been issued to the Appellant but has not been challenged either by way of a statutory appeal or Writ Petition. With this the entire proceedings have attained finality.

31. He draws attention to a letter from the Secretary of KGK Gurukulam, whereunder the Secretary has acquiesced to the process of take-over of their land, agreeing to handover the property to the State. Thus, in light of that letter, the appellant has no locus to reiterate their claim on the land.



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32. That apart, public interest must prevail over private interest and the proposal for construction of the bus stand must continue. He circulates photographs indicating that 60% of the construction was almost complete and hence, there should be no interruption of the project at this stage.

33. Likewise, Mr.Raghavachari, learned Senior Counsel appearing for Mr.Mr.V.Kasinatha Bharathi, learned counsel for the MLA, impleaded at the stage of Writ Appeal, sings the same tune. He would submit that the present proposal had been necessitated on account of a dire need for a bus stand at that point and public purpose would override private demands.

34. He draws attention to the Gazette Notification as per which the Inam estate of Maharajapuram Keezhpathi Village, comprising Melvaram and Kudivaram vested in the State. Thus, the question of the property having been acquired by the KGK Gurukulam does not arise. According to him, even if there had an award as contended, it was of no use, as the Board of Revenue has not ratified those proposals. In any event, with the vesting of the land in the State vide G.O. dated 12.03.1965, the award has lapsed.



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35. He draws attention to communication dated 01.02.2021, wherein KGK Gurukulam makes reference to document dated 26.06.1971, which is a 'claim settlement', pointing out that such a document has not been produced at all. They rely on the history of Village No.131 (Vedaranyam Village) as set out in the Settlement Register which contains entries to the effect that the lands upon which KGK Gurukulam institutions stand, form part of the Settlement Register, duly endorsed by the Inspector and Special Tahsildar of Land Settlement Department and the Assistant Director of Land Survey Records Department, on 20.07.2011.

36. He also draws attention to letter dated 04.01.1958 addressed to the Manager of KGK Gurukulam from the office of the Sub-Collector, Nagapattinam, where, referring to award dated 15.10.1957, he encloses the conditions of alienation in triplicate, to be sent to the Collector for onward transmission to the Board of Revenue, Madras, as the consideration exceeds Rs.10,000/-.

37. According to the respondents, there has been no response/ compliance with the same and evidently, the award has not received approval by the Board of Revenue, which is mandatory. In light of the



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law.

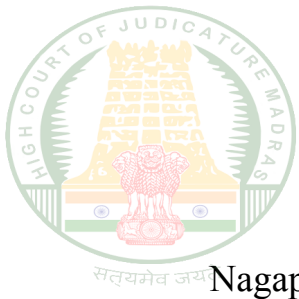
aforesaid, the appellant cannot rely upon the award as it has no force in law.

38. We have heard all learned counsel and have perused the documents placed before us by way of annexures to the pleadings as well as the original records.

39. We first deal with the aspect of maintainability, being a preliminary objection that goes to the root of the matter. According to the State, the Writ Petitions are not maintainable as the prayer in one touches on title to land and is a Declaration disguised as a mandamus. Further, order dated 02.02.2021 has attained finality and hence cannot be sought to be disturbed by way of Writ Petition.

40. We do not agree for the reason that the appellant is seen to have promptly raised a dispute in regard to order dated 02.02.2021 by way of several representations. Not only that, replies have been received from the officials within the administration, giving the appellant the impression that the representations are being looked into and enquired.

41. We particularly note communication dated 18.05.2022, wherein the Special Personal Assistant to Hon'ble Minister for Revenue and Disaster Management has written to the District Collector,



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Nagapattinam drawing attention to the representations of the appellant and requesting the District Collector to look into the representation in light of the annexures filed. Letter dated 18.05.2022 reads as follows:

*S.Gopalsamy,
Special Personal Assistant to
Hon'ble Minister for Revenue and
Disaster Management*

*Fort St. George,
Chennai 600 009*

Date : 18.05.2022

*To
District Collector,
Nagapattinam district,
Nagapattinam.*

Beloved Sir, Vanakkam,

I request yourself to take proper action on the petition which had been received along with the enclosure received from the office of Hon'ble Minister for Revenue and Disaster Management, and to inform the details of the action taken to the petitioner.

*Yours faithfully,
sd.XX(S.Gopalsamy)
Special Personal Assistant to
Hon'ble Minister for Revenue
and
Disaster Management.*

*Copy to:
Thiru A.Vedaratnam,
Managing Trustee,
Kasturba Gandhi Kanya Gurukulam,
Vedaranyam Circle,
Vedaranyam taluk 614 810
Nagapattinam district*



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42. Even prior thereto, the District Revenue Officer, Nagapattinam has addressed a letter to Revenue Divisional Officer, Vedaranyam in Na.Ka.17765/2021/Uoo.1 dated 19.11.2021, wherein, he has forwarded the representation of the appellant to the latter asking him to not only take proper action in respect of the claim of the appellant but to inform the details of the enquiry to the Deputy Secretary, Revenue and Disaster Management, Disposal Wing, LD – 3(1) Section as well to her office.

43. Letter dated 19.11.2021 is extracted below:

<i>From</i> <i>Tmt. V.Shakila,</i> <i>District Revenue Officer,</i> <i>Nagapattinam</i>	<i>To</i> <i>Revenue Divisional Officer,</i> <i>Vedaranyam</i>
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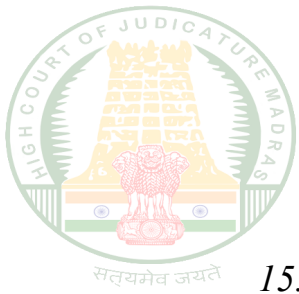
Na.Ka. 17765/2021/Uoo.1 date : 19.11.2021

Sir,

Sub: Nagapattinam district – Vedaranyam taluk - Maharajapuram Keezhpatti village, Kasturba GandhiKanya Gurukulam – to correct the fact which had been wrongly mentioned in land acquisition proceedings – seeking to issue – petition is sent in original for taking further action - regarding.

Ref: Letter from Deputy Secretary, Revenue and Disaster Management Department in Disposal Wing, LD-3(1) Section in Na.Ka. Dated 06.10.2021.

In the letter stated above in the reference cited, enclosed therewith the petition, in which it had been stated that Thiru A.Vedaratnam, Managing Trustee of Kasturba Gandhi Kanya Gurukulam had stated that for the abovesaid Charitable Trust, land acquisition had been taken in Award No.7/57 – dated



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15.10.1957, land acquisition had been taken, that since no proper entries have not been carried on the revenue records, in the abovesaid place of 5 acres of land had been grabbed for the purpose of construction of new bus stand and he prayed to correct the same.

I request you to kindly take proper action in this regard and to inform the details of the same to Deputy Secretary, Revenue and Disaster Management, Disposal Wing, LD – 3(1) Section as well to this office.

Encl: Original letter (sheets)

*Yours faithfully,
sd.... (R.Banugaoan)*

*for District Collector, Nagapattinam
//by order/
Head Clerk*

44. The result of these enquiries are unknown. We also refer to proceedings in Na.Ka.2665/2021/B3 dated 20.10.2021 drawing personal attention of Revenue Divisional Officer, Vedaranyam to three petitions from the Chief Minister's Special Cell Secretariat, Chennai pertaining to the same subject matter relating to allegations of land grabbing of the appellant's lands and directing enquiry thereupon and to inform the result of action taken in this regard by way of a report to the District Collector, Nagapattinam, the office of the RDO and the appellant.

45. Letter dated 20.10.2021 is extracted below:

<i>//personal attention//</i>	
<i>Na.Ka.2665/2021/B3</i>	<i>Revenue Divisional Office,</i>
<i>Date: 20.10.2021</i>	<i>Vedaranyam</i>



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MEMORANDUM

Sub: *CM's Special Cell Petitions – Three (3) petitions – Received from CM's Special Cell, Secretariat, Chennai, 3 in number, received by Vedaranyam Revenue Division – petitions sent – seeking to send the report after enquiry – regarding.*

Ref: *Letter of District Collector, Nagapattinam in Na.Ka.No.10587/2021/H2 dated 01.10.2021 received by this office on 06.10.2021*

Three petitions from CM's Special Cell, Secretariat, Chennai pertaining to the Vedaranyam Division, Nagapattinam district, with the following particulars, have been received to the Revenue Division of Vedaranyam Division, for necessary action. The details of the said petitions are as follows:

Sl. No.	Name and address of the petitioner (Tvl.)	Claim of the petitioner
1.		
2.	<i>A.Vedaratnam, Managing Trustee, Kasturba Gandhi Kanya Gurukulam, Vedaranyam Circle and Vedaranyam taluk</i>	<i>Properties belonging to Women Charitable Trust – in the abovesaid properties, it is proposed to establish a new bus stand at an extent of 5 acres of land – transfer of patta in the name of Women Charitable trust – regarding.</i>
3.		

The Tahsildar, Vedaranyam is directed to enquire into the matter, and to inform the action taken in this regard, by way of report, to District Collector, Nagapattinam (Sa.Pa.Ni) to this office and petitioner.

Encl: Two (2) Original petitions 26-days.

*sd.xx Revenue Divisional Officer,
Vedaranyam
//by order//*



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*sd.xx Personal Assistant to
Revenue Divisional Officer.*

46. There are other petitions also along similar lines which we do not refer to in the interests of brevity. All the communications point to action initiated by superiors officers within the State administration calling for enquiry in respect of the appellant's claims.

47. It is a sad state of affairs that no action has been taken thus far, despite categoric instructions in this regard by the superiors in the State administration. To a specific query put to learned Additional Advocate General as to what the stage of the enquiry is, or whether any enquiry has at all been initiated, he confirms that no information is available on record to indicate that any action has been taken on those directions.

48. Thus, for the State to now have adopt a stand that the Writ Petitions are not maintainable is unacceptable as the appellant is seen to have been diligent in regard to seeking action as against the adverse conclusions in order dated 02.02.2021. That apart, all documents relied upon by the Appellant and Respondents are admitted and part of the record.

49. Thus, and in the absence of a factual dispute in this regard,



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there is no bar in this Court adjudicating the prayer sought. We thus conclude that the Writ Petitions are maintainable and reject this preliminary submission.

50. We now set out the schedule of the properties in order to obtain clarity on the lands in question. According to the appellants, the lands awarded to it under award dated 15.10.1957 are as follows:

வ.எண்	புல எண்	வகைபாடு	பரப்பு ஹெக்டேர்ஸ்	நில உரிமையாளர்
1	632/10	சர்க்கார் புறம்போக்கு	1.65.0	அரசினர் ஆதார ஆசிரியர் பயிற்சி பள்ளி
2	633	சர்க்கார் புறம்போக்கு	1.13.50	அரசினர் ஆதார ஆசிரியர் பயிற்சி பள்ளி
3	634	சர்க்கார் புறம்போக்கு	2.65.0	அரசினர் ஆதார ஆசிரியர் பயிற்சி பள்ளி
4	635/1	சர்க்கார் புறம்போக்கு	0.63.5	அரசினர் ஆதார ஆசிரியர் பயிற்சி பள்ளி
5	637/3	சர்க்கார் புறம்போக்கு	01.78.0	அரசினர் ஆதார ஆசிரியர் பயிற்சி பள்ளி
6	638/2	சர்க்கார் புறம்போக்கு	01.20.0	அரசினர் ஆதார ஆசிரியர் பயிற்சி பள்ளி
7	639	சர்க்கார் புறம்போக்கு	01.81.50	அரசினர் ஆதார ஆசிரியர் பயிற்சி பள்ளி
8	640	சர்க்கார் புறம்போக்கு	02.55.0	அரசினர் ஆதார ஆசிரியர் பயிற்சி பள்ளி

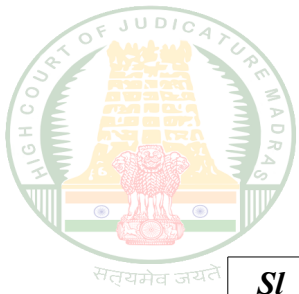
51. As per order dated 02.02.2021, the following Survey Numbers house the Government Aided Teacher Training Schools:



Sl No	Survey No	Classification	Extent Hectares	Owner of the Land
1	632/10	Government Poramboke	1.65.0	Government aided Teacher Training School
2	633	Government Poramboke	1.13.50	Government aided Teacher Training School
3	634	Government Poramboke	2.65.0	Government aided Teacher Training School
4	635/1	Government Poramboke	0.63.5	Government aided Teacher Training School
5	637/3	Government Poramboke	01.78.0	Government aided Teacher Training School
6	638/2	Government Poramboke	01.20.0	Government aided Teacher Training School
7	639	Government Poramboke	01.81.50	Government aided Teacher Training School
8	640	Government Poramboke	02.55.0	Government aided Teacher Training School

52. The above schools are being run and managed by KGK Gurukulam and the above Survey Numbers form part of the lands transferred under award dated 15.10.1957. Under order dated 02.02.2021, the appellants have been granted patta for 6.06.00 hectares, i.e., 14 acres 96 cents as follows:

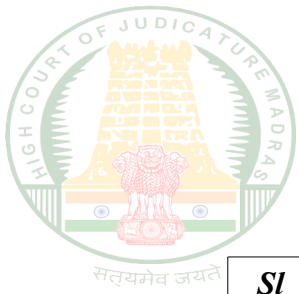
Sl No	Survey No	Classification	Extent Hectares	Owner of the Land
1	612/11	Ryot Dry lands	0.05.5	13, K.G.K. Gurukulam Vedharanyam
2	612/12	Ryot Dry lands	0.14.5	13, K.G.K. Gurukulam



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Sl No	Survey No	Classification	Extent Hectares	Owner of the Land
				<i>Vedharanyam</i>
3	612/13	<i>Ryot Manavari</i>	<i>0.03.0</i>	<i>13, K.G.K. Gurukulam Vedharanyam</i>
4	612/2	<i>Ryot Manavari</i>	<i>0.28.0</i>	<i>13, K.G.K. Gurukulam Vedharanyam</i>
5	612/3	<i>Ryot Dry lands</i>	<i>0.06.0</i>	<i>13, K.G.K. Gurukulam Vedharanyam</i>
6	612/4	<i>Ryot Dry lands</i>	<i>0.11.5</i>	<i>13, K.G.K. Gurukulam Vedharanyam</i>
7	612/5	<i>Ryot Manavari</i>	<i>0.33.0</i>	<i>13, K.G.K. Gurukulam Vedharanyam</i>
8	612/6	<i>Ryot Manavari</i>	<i>0.53.0</i>	<i>13, K.G.K. Gurukulam Vedharanyam</i>
9	612/7	<i>Ryot Dry lands</i>	<i>0.31.0</i>	<i>13, K.G.K. Gurukulam Vedharanyam</i>
10	635/2	<i>Ryot Dry lands</i>	<i>0.43.0</i>	<i>13, K.G.K. Gurukulam Vedharanyam</i>
11	635/3	<i>Ryot Dry lands</i>	<i>0.46.0</i>	<i>13, K.G.K. Gurukulam Vedharanyam</i>
12	635/4	<i>Ryot Dry lands</i>	<i>0.52.0</i>	<i>125, Kanya Gurukulam</i>
13	635/5	<i>Ryot Dry lands</i>	<i>0.13.0</i>	<i>13, K.G.K. Gurukulam Vedharanyam</i>
14	635/6	<i>Ryot Dry lands</i>	<i>0.15.0</i>	<i>13, K.G.K. Gurukulam Vedharanyam</i>
15	635/7	<i>Ryot Dry lands</i>	<i>0.19.5</i>	<i>13, K.G.K. Gurukulam Vedharanyam</i>
16	636/1	<i>Ryot Dry lands</i>	<i>0.45.5</i>	<i>13, K.G.K. Gurukulam Vedharanyam</i>
17	636/2	<i>Ryot Manavari</i>	<i>1.11.50</i>	<i>13, K.G.K. Gurukulam Vedharanyam</i>
18	637/1	<i>Ryot Dry lands</i>	<i>0.27.5</i>	<i>13, K.G.K. Gurukulam Vedharanyam</i>
19	637/2	<i>Ryot Dry lands</i>	<i>0.47.5</i>	<i>13, K.G.K. Gurukulam</i>



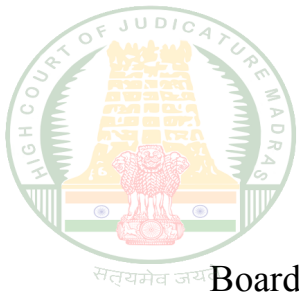
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Sl No	Survey No	Classification	Extent Hectares	Owner of the Land
				<i>Vedharanyam</i>
		<i>Total</i>	<i>06.06.00 Hectares (14 Acres 96 cents)</i>	

53. We directed the authorities to undertake a proper inspection of the lands of KGK Gurukulam in the presence of the appellants and circulate a map with all survey numbers including the lands acquired under award dated 15.10.1957 and those held by the appellant as pattadars. The map is annexed with this order as Annexure -A.

54. A perusal of the enclosed map would indicate that the bulk of the institutions of KGK Gurukulam are spread over the lands acquired by it under award dated 15.10.97, as well as purchased by it at various points in time. All the documents placed on record by the appellant in relation to the passing of the award are per se admitted.

55. The case of the respondents is that the documents produced would not suffice to establish the claim of the appellant as there are entries in the revenue records that run contra to such documents as also that the award documents have not culminated in a ratification by the



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Board of Revenue in order to attain sanctity in the eyes of law. Since this issue is fundamental to decide on the claim of the document in relation to their ownership and possession of the lands, we deal with this issue first.

56. The complete award has been placed before us and we annex the same with this order as Annexure -B. The title to the award is '*Name and Description of Property Acquired*', the name and description of the officer who made the award is '*Sri.S.Guhan, I.P.S., Sub-Collector and Land Acquisition Officer, Nagapattinam*'. The assumption of jurisdiction of office by this officer and the exercise of power by him in passing the award is not in dispute.

57. The award is dated 15.10.1957 – *Award No.7 of 1957*, the names of the Sub-District and villages in column 3 are '*Vedaranyam Sub District (Inams) Maharajapuram Kilpathi*'. The survey numbers, extent, classification and other details of the land are set out in the columns thereafter.

58. Page 3 of the award contains the phrases '*entire interest*' and '*to the Managing Trustee Kasthurba Gandhi Kanya Gurukulam, Maharajapuram at Vedaranyam*'. It also states '*for post basic school*'.



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Pages 4, 5 (wrongly numbered as 5 and 4) and 6 in the original award continue with demarcating the extent of the property, names of the owners of the Melvaram and Kudivaram and the consideration payable to each of them. The tabulation concludes with page 7 where the total number of land owners ends with S.No.22 and the total consideration computed is Rs.14,472.52. That page is signed by an official '*for sub-collector*'.

59. The first school was started under communication bearing R.C.No.99.272 D/57 dated 10.03.1958 issued by the Inspectress of Girls Schools, Tanjore Circle, Tanjore, submitted to the Director of Public Instructions, Madras with reference to Roc.No.196 M 2/55 dated 31.8.57 for setting up Kasturba Gandhi Kanya Gurukulam Post Basic School, Vedaranyam and submitting all the documents given by the Correspondent of K.G.K.G. Post Basic School, Vedaranyam.

60. The list of schools that had been commenced over the years has already been set out in one of the earlier paragraphs. That apart, various communications and Government Orders have been placed on record by the appellant to indicate action having been taken by the authorities between 1954 and 1959 based on award dated 15.10.1957 and



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requisitions made by KGK Gurukulam for setting up of various schools.

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61. Those letters are as follows:

S.No.	Date	Description of Documents
01.	5.6.1954	<i>G.O.Ms.774 Education dated 05.06.1954 of the Government of Tamil Nadu, Health, Education and Local Administration Department, according sanction for opening Post Basic IX course at two places in Tamil Nadu, one at Gandhiniketan Basic School at Kallupatti and the other at the Petitioner-Gurukulam from the year 1953-54</i>
02.	31.03.1959	<i>Letter No.39783/55 dated 31.03.1956 of the District Collector, Thanjavur addressed to the Secretary, Commissioner of Land Revenue and Development, Board of Revenue, Chennai about funds for acquisition.</i>
03.	22.03.1957	<i>G.O.Ms.No.507 Education dated 22.03.1957 of the Health, Education and Local Administration Department of the Government of Tamil Nadu specifying that the District Collector of Thanjavur was “to issue order placing the lands at the disposal of the Post Basic School, Vedaranyam” with copy to the Petitioner Gurukulam.</i>
04.	24.10.1957	<i>Letter of the Sub-Collector,</i>



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S.No.	Date	Description of Documents
		<i>Nagapattinam, addressed to the Collector, Thanjavur bearing No.R.C.9354-57K dated 24.10.1957 forwarding copies of the Award 7-57 dated 15.10.1957 together with Award Proceedings and "A" statement.</i>
05.	21.12.1957	<i>Letter of the Petitioner Gurukulam addressed to the Director of Public Instruction, Madras.</i>
06.	08.03.1958	<i>Award No.7 of 1957 dated 15.10.1957 registered by the Sub-Collector and Land Acquisition Officer in the office of the Sub-Registrar, Vedaranyam on 08.03.1958, as Document No.776 of 1958.</i>

62. As far as the compensation to the erstwhile owners is concerned, there is a letter dated 21.12.1957, wherein the appellant states that they have remitted compensation in excess of what was to be paid and seeking a reimbursement of a small amount. This, in our view, would establish that compensation has, in fact, been paid by the appellant to Melvaram/Kudivaram possessors of the lands in question. It is thus futile for the State to raise a dispute in regard to these aspects at this



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distance of time.

63. As far as patta is concerned, there appears to have been some discussions in relation to the issuance of patta in or around 1988 and by communication dated 13.06.1988, the Tahsildar, Vedaranyam has stated that orders are issued for transfer of patta in favour of the appellant vide the following communication:

PROCEEDINGS OF THE TAHSILDAR, VEDARANYAM

Present: Thiru R.Seshadri

M M No.13337/87 B5 dated 13.06.88

*Sub: Patta registration – Vedharanyam Taluk –
131/4 – Maharajapuram Keezhpadi Village – Left
out places – Patta Registered – Orders issued.*

*Ref: 1.Petition from Thiru V.Appakutty,
Managing Trustee, Kasturba Gandhi Kanya
Gurukulam dated 8.4.87*

2. Other connected files.

ORDER:

It is brought to the notice through enquiries that Survey numbers 632/10, 633, 634, 635/1, Maharajapuram Keezhpadi Village, Vedharanyam Taluk have been wrongly transferred under the Land ownership Development Scheme. Hence orders are issued for the transfer of patta as follows:

<i>S.Nos</i>	<i>Extent</i>
<i>632/10</i>	<i>1.65.0</i>
<i>633.</i>	<i>1.13.5</i>
<i>634.</i>	<i>2.65.0</i>
<i>635/1.</i>	<i>0.63.5</i>
<i>Total</i>	<i>6.07.0</i>

Orders are issued for the transfer of patta for the four items in Patta No.3 in the name of Kasturba Gandhi Kanya



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W.A.Nos.2322 & 2323 of 2023

Gurukulam.

*Tahsildar
Vedharanyam*

*To
Managing Trustee,
Kasturba Gandhi Kanya Gurukulam
Vedharanyam*

*Copy:
Village Administrative Officer/Vedharanyam Thopputhurai to
make transfers in the Village Accounts*

*Copy:
Taluk Draughtsman/edharanyam
To make transfers in the Taluk 10.2 accounts*

64. At a distance of 65 years, it is neither practical nor feasible for us to call for the documents in relation to the exact demarcation of the lands or patta in connection therewith. Such an exercise is necessary only if the primary documents on the basis of which the appellant stake their claim, are disputed.

65. Hence, we do not believe that such exercise is called for at this juncture of time. The award produces establishes the survey numbers of the lands handed over to the Gurukulam, the compensation paid and the beneficiary. The passing of the award has never been questioned by the State and their attempt to do so now is based only on the Settlement



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Register and the fact that the award has not been ratified by the Board of Revenue.

66. The Board of Revenue was in existence till 1980 when it was abolished. However, the Gurukulam has been in uninterrupted possession and management of the lands in question from date of Award till date and it has also acquired by purchase an equal extent of land in the vicinity.

67. There has been no whisper of objection at any point of time in regard to these facts and moreover the Government has been participating in the management of the schools consistently. Hence the non-ratification by the Board of Revenue has not been a matter of concern to the State till now and we see no merit in the State raising the issue now, after the elapse of more than 6 decades.

68. Hence, our answer to this issue is in favour of the appellant, and we reiterate the reasons as follows. Firstly, the complete copy of the award has been produced before us and we have minutely examined the same, despite the fact that the respondents have not really disputed that award. We note that the lands in question comprise Inam settlements and include both Melvaram and Kudivaram.



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69. The Melvaram and Kudivaram right holders have been identified by name and the amount of compensation payable to each have been set out, amounting in all to a sum of Rs.14,524.55. Communication dated 21.12.1957 refers to the fact that such consideration has been deposited by the appellant by way of distribution among Melvaram and Kudivaram right holders.

70. In fact, the consideration is stated to have been paid in excess and reimbursement has been sought. We are unaware as to whether the refund was given. The Award details all the specifics of the lands including the extent and the classification. It contains a clear stipulation that the '*entire interest*' in the land has been transferred. It also contains a stipulation that the lands covered in those orders were acquired for KGK Gurukulam for setting up of educational institutions.

71. Secondly, the parties have not rested content merely with the passing of the Award but the official respondents are seen to have been very active in pursuing the Award in letter and spirit by issuing various communications including Government Orders for the setting up of educational institutions between 1957 till date. The list of institutions as on date, numbers 11, and many of them are aided by the State.



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72. The State cannot be said to be in connivance with an illegal act, which would be the result if we were to hold that the appellant is an encroacher on the 14.96 acres of land acquired under Award dated 15.10.1957.

73. We also are of the categoric opinion that absence of approval by the Board of Revenue would have no impact. It is under communication D.Dis 590-58A dated 29.01.1958 addressed by the Deputy Tahsildar, Vedaranyam to the Sub-Collector, Nagapattinam, that the possession of the lands in question have been handed over to the Managing Trustee of the KGK Gurukulam pending approval of the alienation proposals by the Board of Revenue.

74. Communication dated 29.01.1958 is extracted below:

D.Dis 590 – 58 A dated 29.01.1958

*From
T.Sambasivam,
Deputy Tahsildar,
Vedaranyam
Sir,*

*To
The Sub Collector,
Nagapattinam*

*Sub: Land Acquisition – Tiruthuraipundi Taluk –
InamMaharajapuram Kilpathi – Post Basic
School – Vedaranyam – Award No.7/57 –
Handing over the lands – report – submitted.
Ref: Division RC 9354 – 57N dated 28.01.58*



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On the morning of 29.01.58, I handed over formally the possession of lands with trees, etc., as per Land Transfer Certificate, to the Managing Trustee of the Kasturba Gandhi Kanya Gurukulam, Vedaranyam pending the approval of the alienation proposals by the Board of Revenue, Madras. The Land Transfer Certificate received along with the Division reference cited, is resubmitted.

(2) A copy of the Transfer Certificate of having handed over the lands, etc., is submitted.

Sd.

30.01.58

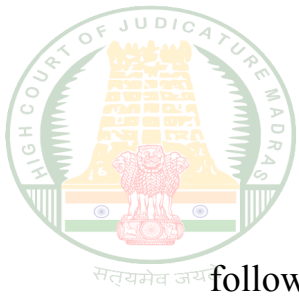
Deputy Tahsildar

(Copy) to the Tahsildar, TRP with reference to the Dn. Ref.cited (Copy marked to him) with a copy of the transfer certificate for favour of information.

(Copy) to the Manager, the Kasturba Gandhi Kanya Gurukulam, Vedaranyam.

75. The requirement for approval is only as the consideration is in excess of Rs.10,000. Even assuming that such ratification had not been made, we are of the view that the Award dated 15.10.1957 would not stand compromised, having regard to the long and undisturbed possession of the lands in question by the appellant and the management of the aided Government Institutions by them, in partnership with the State.

76. As far as the Gazette Notification vesting the Settlement in the State is concerned, no records have been produced to detail the procedure



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followed prior to such vesting, as provided for under the Inam Estates (Abolition and Conversion into Ryotwari) Act. That apart, there is a seamless flow of efforts commencing from Award dated 15.10.1957, till 2021 when the proposal for construction of the bus stand had first been mooted. Thus, there is really no necessity for a Declaration in regard to the right of the Appellant to the lands in question.

77. Hence, we conclude that the Notification, to the extent to which it seeks to deal with the lands awarded to KGK Gurukulam, as well as the consequent entries in the Settlement Register and other revenue records, would have no force, as they seek to deal with the lands that have already been acquired for the setting up of educational institutions by KGK Gurukulam.

78. For the aforesaid reasons, we conclude that the Award is a complete and legally sacrosanct document enforceable by the beneficiaries, ie., KGK Gurukulam.

79. Having thus accepted the appellant's claim for ownership and possessory right over the lands in question based on Award dated 15.10.1957, we now proceed to balance the interests of the parties. The map enclosed as Annexure I reveals that even if the proposal were to be



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confirmed, it would not disturb any of the institutions and the bus stand would be on land that is vacant, though the Appellant has stated that those lands are being used as play grounds for the students.

80. Undoubtedly, a public convenience, such as a bus stand, must be accorded preference over private interest. The photographs circulated by the State show that the construction of the bus stand is at an advanced stage, and demolition at this point, would be a national waste.

81. We hence accept the alternate prayer of the appellant in W.P.No.6782 of 2023 and direct the appropriate official respondents, ie., R1 to R6 to initiate forthwith the procedure for acquisition of the lands demarcated in pink in the enclosed map in terms of the provisions of the 2013 Act and in any event, not beyond a period of four (4) weeks from date of uploading of this judgment in the official website of this Court. Further progress in regard to the construction of the bus stand shall continue only post, and subject to the initiation of the proceedings as aforesaid.



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82. These Writ Appeals are allowed in terms of this judgment with directions as aforesaid to the official respondents. No costs. Connected Miscellaneous Petitions are closed.

[A.S.M., J] [C.K., J]
03.06.2025

Index: Yes

Speaking Order

Neutral Citation: Yes

Sl

To

1.The Government of Tamil nadu
Rep. By its Principal Secretary,
Department of Revenue and
Disaster Management,
Fort St.George, Chennai 600 009.

2.The Commissioner,
Commissionerate of Revenue and Disaster,
Management, Ezhilagam,
Chepauk, Chennai – 600 009.

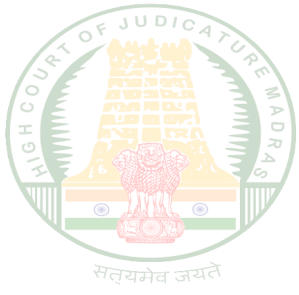
3.The District Collector
Nagapattinam.

4.The District Revenue Officer,
Nagapattinam.

5.The Revenue Divisional Officer
Nagapattinam.

6.The Tahsildar,
Vedaranyam

7.The Commissioner
Municipality, Vedaranyam



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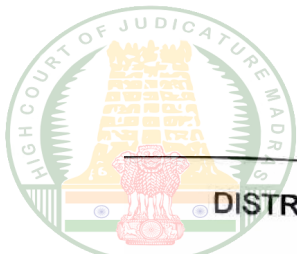
W.A.Nos.2322 & 2323 of 2023

DR. ANITA SUMANTH.,J.
and
C.KUMARAPPAN.,J.

sl

W.A.Nos. 2322 & 2323 of 2023
C.M.P.Nos. 6043, 10053 of 2025, 26003,
26007 of 2024 & 19810 & 19814 of 2023

03.06.2025



DISTRICT: NAGAPATTINAM

TALUK:VEDARANYAM

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MAP AREA





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VILLAGE: MAHARAJAPURAM KIZHAKKU

REFERENCE AREA



நீதிமன்ற உத்தரவுப்படி 11.4.25 அளவீடு செய்து 16.04.25 தாக்கல் செய்த அறிக்கையில் உள்ள இடம்

SURVEY NUMBER AS PER RWARO	SURVEY NUMBER AS PER UOR	AREA
632/7B	632/10	1 HEC 15.5 ARES
632/8B		
632/9		
632/10		
632/11		
632/12		
632/16B		
632/17		
632/18	633	39.0 ARES
633/1		
633/2	634	46.0 ARES
634/1		
634/2		
634/4		
634/5		
TOTAL		2 HEC 2.5 ARES (5 ACRE)

நீதிமன்ற உத்தரவுப்படி 11.4.25 அளவீடு செய்து 16.04.25 தாக்கல் செய்த அறிக்கையில் உள்ள இடம்

SURVEY NUMBER AS PER RWARO	SURVEY NUMBER AS PER UOR	AREA
632/16B	632/10	49.5 ARES
632/17		
632/18		
633/2	633	74.5 ARES
633/3		
634/1		
634/2	634	2 HEC 17.5 ARES
634/3		
634/5		
634/6		
635/1	635/1	63.5 ARES
635/3		
635/4		
635/9		
TOTAL		4HEC 4.5 ARES (10 ACRE)

கனம் கலெக்டர் கட்டிடம் உள்ள இடம்

SURVEY NUMBER AS PER UOR	AREA
637/3	1 HEC 76.0 ARES
638/2	1 HEC 20.0 ARES
639	1 HEC 81.5 ARES
640	2 HEC 55.0 ARES
TOTAL	7 HEC 34.5 ARES

கனம் துறையியல் கமிட்டி குருகுத்தின் பெயரில் உள்ள பட்டி நிர்வாகம்

SURVEY NUMBER AS PER UOR	AREA	TOTAL AREA
612/9	34.5 ARES	89.0 ARES
612/10	14.5 ARES	
612/11	20.0 ARES	
613/2	26.0 ARES	1 HEC 62.5 ARES
613/3	6.0 ARES	
613/4	11.5 ARES	
613/5	33.0 ARES	
613/6	53.0 ARES	3 HEC 45.5 ARES
613/7	31.0 ARES	
635/2	1 HEC 88.5 ARES	75.0 ARES
636/1	45.5 ARES	
636/2	1 HEC 11.5 ARES	75.0 ARES
637/1	27.5 ARES	
637/2	47.5 ARES	
TOTAL		6 HEC 52.0 ARES (116 ACRE 10 CENT)