

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

WEB COPY THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No. 25256 of 2025**and W.M.P.Nos.28424, 28426 & 28429 of 2025**

St.Josephs Matriculation Higher Secondary School
Rep. By Its Correspondent, Koothapakkam,
Cuddalore Dt.

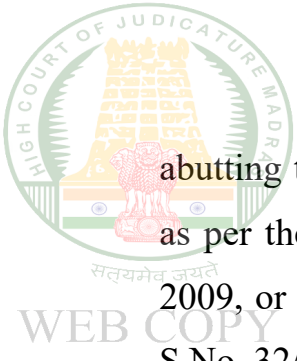
..Petitioner(s)

Vs

1. The Additional Chief Secretary
The Government of Tamil Nadu
The Department of Revenue and Disaster
Management,
Secretariat, Chennai-09.
2. The Secretary To Govt.
Department Of School Education, Secretariat,
Chennai-09.
3. The District Collector
Cuddalore, Cuddalore Dt.
4. Arulmighu Devanatha Swami Devasthanam
Rep By Its Executive Officer
Thiruvendipuram, Cuddalore District.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned G.O. Ms. No. 414, Revenue & Disaster Management and Land Settlement, Ni. Mu.5 (1), dated 01.07.2025 on the file of the 1st respondent and quash the same, directing the authorities to allot an alternative land near the Cuddalore Town with access to the main road, or



abutting the road, suitable for educational purpose and free of encumbrance, as per the order of this Honble Court dated 30.08.2019 in W.P. No.27377 of 2009, or in the alternative to pay the current guideline value of the land in S.No. 32/2, Koothapakkam Village, Cuddalore to the petitioner.

For Petitioner(s): Father Xavier Arulraj, Senior Counsel
for M/s.Father Xavier Associates

For Respondent(s): Mr.J.Ravindran, Addl.Advocate General
assisted by
Mr.S.Senthil Murugan, Spl.Govt.Pleader
for RR1 to 4

ORDER

This Writ Petition is filed for a Certiorarified Mandamus, seeking the records related to the impugned G.O. Ms. No. 414, Revenue & Disaster Management and Land Settlement, Ni. Mu.5 (1), dated 01.07.2025, on the file of the 1st respondent, and to quash the same and to direct the authorities to allot an alternative land near Cuddalore Town with access to the main road or adjoining the road, suitable for educational purposes and free of encumbrance, as per the order of this Court dated 30.08.2019 in W.P. No.27377 of 2009. Alternatively, it prays for the payment of the current guideline value of the land in S.No. 32/2 of Koothapakkam Village, Cuddalore, to the petitioner.

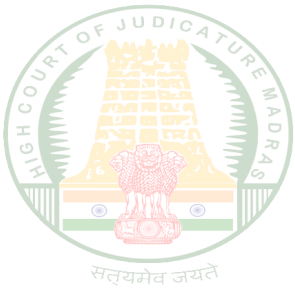
2. Upon hearing *Mr.Father Xavier Arulraj*, the learned Senior Counsel representing the petitioner, and reviewing the case records, the petitioner's case is that the petitioner school was operating on S.F.Nos.16/1 to 16/4, covering an area of 5.77 acres in Koothapakkam Village, Cuddalore District. It is evident



that the land was purchased by the educational agency for valuable consideration through G.O.Ms.No.404, Education Department, dated 14.03.1979. Of the said lands, objections were raised regarding S.No.16/1, New S.No.32/2 of Koothapakkam Village, Cuddalore measuring Acres 3.40 cents. Objectors' contentions were that the land had been used for the purposes of Arulmigu Devanatha Swamy Temple. Initially, the land was under the control of the Hindu Religious and Charitable Endowment Department, later taken over by the government and erroneously auctioned. Subsequently G.O.Ms.No.322, School Education Department (X2), dated 07.12.2009, was issued for resuming the land. The petitioner school challenged this in W.P.No.27377 of 2009.

3. It is the case of the petitioner that the sale was an absolute sale and there was no question of any resumption. In the said Writ Petition, the temple was also a party. During the hearing, considering communal harmony and the sentiments expressed, upon a proposal being made, the petitioner school was willing to exchange the land on the conditions mentioned therein, and the entire paragraph Nos.7 and 8 of the judgment are extracted below:

“7.The learned Senior Counsel for the petitioner further submitted that the School authorities spent considerable amount of money for leveling and constructing the compound wall. The disputed land, being in the heart of the town, the value of the land is very high and due to pendency of the case, the petitioner has not put up any construction, except the compound wall. The petitioner has also planted lot of trees and plants and they maintained the said land for all these years. He, However, submitted that as per the directions of this Court, in order to maintain the communal harmony in the locality, the petitioner school agreed to go for exchange of land, without going into merits of the case and this Court



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may issue appropriate direction to allot alternate land to the petitioner for establishing the Educational Institution in the District of Cuddalore.

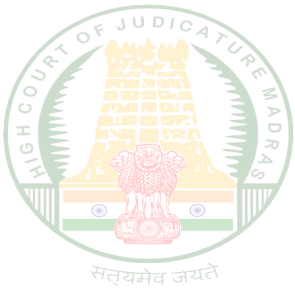
8. The learned Senior Counsel appearing for the petitioner further submitted that the petitioner school itself identified the availability of Manavari land in Bhuvanagiri Village in Cuddalore District at Survey No.70/1 to an extent of 22 hectares. It is suitable for establishing the school. Accordingly, he pleaded that this Court may issue a direction to consider the allotment of land at Survey No. 70/1 in Bhuvanagiri Village and if the same is alienated, any alterante land available in Cuddalore District may be allotted in favour of the petitioner school for establishing the Educational Institution for providing service to the general public.”

4. The position of the State of Tamilnadu, as per the learned Advocate General, was summarised in paragraph No.9, which is reproduced below:

“9. Mr.N.Vijaya Narayanan, learned Advocate General appearing for the respondents would submit that in the impugned order, the Education Department resumed the land from the petitioner in order to allot the same to Arulmigu Devanatha Samy Temple, considering the sentiments attached with the said land. He further submitted that this Court may issue a direction to the Secretary to the Government, Revenue Department to allot alternate land situated at Survey No.70/1 in Bhuvanagiri village to the petitioner and if the said land is not available, the Revenue Secretary may be directed to allot any other land in Cuddalore District, abutting the State Highways or Rural Highways with road access.”

5. In view of this, the following order was issued in the said Writ Petition, and paragraphs Nos. 11 and 12 are reproduced below for easy reference:-

“11. Considering the facts and circumstances of the case, this Court records its appreciation for the earnest steps taken by the learned Senior Counsel and the learned Advocate General to resolve the controversy. The land which was acquired by the Educational Department was allotted to the petitioner/ School in the year 1979 and the petitioner also paid valuable consideration to the HR & CE Department and till date the amount was not returned to the petitioner. However, through impugned order the Educational Department resumed the said land which was allotted to the petitioner. Considering the above said facts and further taking note of the submission made by the learned Senior Counsel for the petitioner that they are willing for allotment of alternate land instead of the impugned land. The learned Advocate General also concede and would submit that suitable direction may be issued to the Revenue Secretary for allotment of alternative land in this regard. I am inclined to



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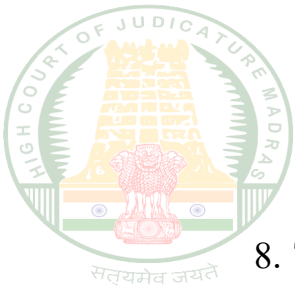


issue a direction to the Secretary to the Government, Revenue Department to allot land of not less than 4 ½ acres either in the Bhuvanagiri Village, as pointed out by the petitioner, or in the alternative, if the land is not feasible for allotment, any other land which is situated near the town or village with easy access to the main road or abutting the road. Immediately after allotting alternate land in favour of the petitioner, the first and second respondents shall take possession of the petitioner's land and allot the same in favour of the Arulmigu Devanatha Samy Temple. The said exercise should be completed within a period of three months. It is made clear that the petitioner is at liberty to make appropriate application within a period of two weeks seeking allotment of land, giving the details of the land, to the Secretary to the Government, Revenue Department and the Revenue Secretary shall pass orders allotting the land within ten weeks thereafter.

12. With the above direction, this writ petition stands disposed of. No costs.”

6. Thereafter, by the proceedings in G.O.Ms.No.414 dated 01.07.2025, the petitioner's land was valued at Rs.8,14,68,750. In contrast to the stand taken and the purport of the Order in the above Writ Petition, the land in S.No.74/1 of Periyapattu Village, Bhuvanagiri Taluk, Cuddalore District, valued at Rs.2,17,78,875/-, was sought to be allocated to the petitioner – school.

7. The contention of the petitioner – school is that, firstly, the value is not even 25% of the land value already allotted to the petitioner-school. When the land taken from the petitioner was within Cuddalore Town, the alternative land allotted is situate in Bhuvanagiri Taluk, approximately 34 km from Cuddalore. Secondly, there is no access, and the land cannot be used for the purposes of the educational institution as it is classified as ‘Sand dunes’. Therefore, challenging the said Government Order, the petitioner is before this Court.



8. The petitioner argues that when it voluntarily relinquished its valuable right in the spirit of communal harmony and while the institution was still operational, the respondents, being the State and its authorities, should have honoured their promise as per the order. They should have allocated suitable land within Cuddalore town to run an educational institution. If they could not find land, they should have paid at least the admitted value. Although the guideline value is only Rs. 8,14,68,750, the petitioner estimates the market value to be around Rs.40 Crores.

9. The Writ Petition is opposed by the respondents through a detailed counter affidavit. It is stated that when Contempt Petition No.519 of 2025 was filed for not allotting land, the Government, upon identification, allocated 1.82.25 hectares (Acres 4.50 cents) of land classified as *Government Poramboku - sand dune*, forming part of the total extent of 22.02.00 hectares in S.No.74/1, Periapet Village, Bhuvanagiri Taluk, Cuddalore District, as an alternative land. Since the Principal and the Correspondent of the school sent a letter to the District Collector stating that they do not agree with the said land and that there are other lands which would be more convenient, in S.No.146/7 of Thiruvanthipuram Village and in S.No.37/1 of Arisi Periyankuppam Village, the matter is under consideration, and the circumstances regarding whether the said lands can be allotted are being examined by the Government.



10. Thereafter, when the matter was being adjourned, a status report was also filed indicating that they are exploring alternatives, and the revenue documents for both lands have been called for. Subsequently, when the matter was adjourned, a report dated 27.01.2026, containing the written instructions on behalf of the Collector, was placed before this Court, and the relevant portion is extracted hereunder:

“இந்நிலையில், மேற்படி பள்ளியின் முதல்வா மற்றும் தாளாளர் அளித்துள்ள பார்வை 2ல் கண்டுள்ள கடிதத்தில், மாண்பும சென்னை உயர்நீதிமன்ற W.P.No.27377 என்ற எண்ணிட்ட வழக்கில் 30.08.2019 அன்று பகரப்பட்ட தீர்ப்புரையினை அமல்படுத்தும் விதமாக, மாற்று நிலமாக வழங்கப்பட்ட புவனகிரி வட்டம், பெரியபட்டு கிராமம் புல எண்.74/1-ன் வகைபாடானது, மணற்குன்றாக இருப்பதாலும், பிரதான சாலைக்கு அருகில் இல்லாத காரணத்தினாலும், கல்வி நிறுவனம் நடத்த இயலாது என தெரிவித்துள்ளனர். மேலும், கடலூர் வட்டம், திருவந்திபுரம் கிராம புல எண்.146/7 மற்றும் 37/1-இல் 4.50 ஏக்கர் அரசு புறம்போக்கு நிலம் உள்ளதாகவும், மேற்படி இடத்தினை தங்களது பள்ளிக்கு மாற்று நிலமாக வழங்கினால் தங்கள் கல்விப்பணிக்கு ஏற்றதாக இருக்கும் என தெரிவித்துள்ளனர்.

மேற்படி பள்ளி நிர்வாகம் தெரிவித்துள்ளவாறு, திருவந்திபுரம் கிராம புல எண்.146/7 மற்றும் அரிசிபெரியாங்குப்பம் கிராம புல எண்.37/1 ஆகிய புல எண்களை புலத்தணிக்கை மேற்கொண்டும் கிராமக் கணக்குகளை ஆய்வ, மேற்கொண்டும், உரிய அறிக்கையினை சமர்ப்பிக்குமாறு வருவாய் கோட்டாட்சியா மற்றும் வருவாய் வட்டாட்சியா ஆகியோரிடம் கோரப்பட்டதில், மேற்படி மாற்று நிலம் தேர்வு, செய்யப்பட்டதற்கான அறிக்கையானது கடலூர் வட்டாட்சியரால் வருவாய் கோட்டாட்சியரிடம் சமர்ப்பிக்கப்பட்டுள்ளது என்பதை பணிவுடன் தெரிவித்துக்கொள்கிறேன்.”

11. Therefore, this court adjourned the matter further for them to review the revenue records and submit a positive proposal. Today, another written instruction dated 04.02.2026 is placed before this court, and the relevant

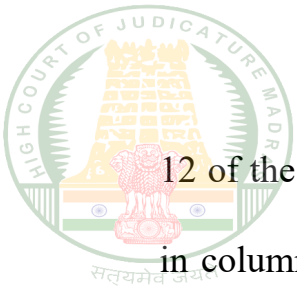


portions read as follows:-

“மேற்படி பள்ளி நிர்வாகம் தெரிவித்துள்ளவாறு, கடலூர் மாவட்டம் மற்றும் வட்டம், திருவந்திபுரம் கிராம புல எண்.146/7 மற்றும் அரிசிபெரியாங்குப்பம் கிராம புல எண்.37/1 ஆகிய புல எண்களை புலத்தணிக்கை மேற்கொண்டும், கிராமக் கணக்குகளை ஆய்வ, மேற்கொண்டும், அறிக்கை அனுப்பி வைக்குமாறு, பார்வை-12 இல் கண்டுள்ள இவ்வலுவலக கடிதம் மூலம் அறிக்கை கோரப்பட்டதில், பார்வை-13-இல் கண்டுள்ள கடலூர் வருவாய் கோட்டாட்சியரது அறிக்கையில், பள்ளி நிர்வாகம் தெரிவித்துள்ள மேற்படி திருவந்திபுரம் கிராம புல எண் 146/7-இன் மொத்த விஸ்தீரணம் 6.27.50 செக்ட்டர் நிலமானது, அரசு புறம்போக்கு “மலை தரிசு” வகைபாட்டிலும், மற்றும் குமாரபேட்டை கிராம புல எண்.37/1 ல் மொத்த விஸ்தீரணம் 0.67.00 ஏர்ஸ் நிலமானது அரசு புறம்போக்கு மேடு பள்ளம் வகைபாட்டில் பதிவாகி உள்ளது. மேற்படி இடம் கடலூர் வட்டத்தில் அமைய உள்ள, புதிய பேருந்து நிலையம் அருகில் உள்ளதாலும் மேற்கண்ட இடம் அரசின் எதிர்கால வளர்ச்சிக்கு தேவைப்படும் என்பதாலும், மேற்கண்ட இடத்தினை வழங்க வழிவகை இல்லை எனவும் மேலும், மேற்கண்ட புனித வளனார் மேல்நிலைப்பள்ளிக்கு மாற்று நிலமாக வழங்குவது தொடர்பாக புலத்தணிக்கை மேற்கொண்டதில், கடலூர் வட்டம் வெள்ளப்பாக்கம் கிராம புல எண்.137/2 ல் 17.32.0 செக்ட்டர் ரயத்து புஞ்சை பட்டா எண்.9 வருவாய்த்துறை என்ற பெயரில் பதிவாகி உள்ள பரப்பில் 2.00 ஏக்கர் நிலம் மாற்று நிலமாக வழங்கிட தேர்வு செய்யலாம் எனவும் தனது அறிக்கையில் தெரிவித்துள்ளார்.

எனவே, கடலூர் வருவாய் கோட்டாட்சியர் மற்றும் வருவாய் வட்டாட்சியர் ஆகியோரது அறிக்கையின் அடிப்படையிலும், மேற்கண்ட இடம் அரசின் எதிர்கால வளர்ச்சிக்கு தேவைப்படும் என்பதாலும், கடலூர் வட்டம் வெள்ளப்பாக்கம் கிராம புல எண்.137/2 ல் 17.32.0 செக்ட்டர், ரயத்து புஞ்சை பட்டா எண்.9 வருவாய்த்துறை என பதிவாகியுள்ள பரப்பில் 2.00 ஏக்கர் பரப்பளவுள்ள நிலத்தினை மாற்று நிலமாக வழங்கிட தேர்வு செய்யலாம் என்பதைப் பணிபுடன் தெரிவித்துக் கொள்கிறேன்.”

12. Thus, it can be observed that, firstly, with reference to S.No.146/7 of Thiruvanthipuram Village, the Collector claims that the land is near the bus stand and may be needed for public purposes. The land at Arisi Periyankuppam is said to be an area of 0.67.00 ares in S.No.37/1, which is less than 2 acres. After placing the above-mentioned facts on record and the relevant revenue records, today, the learned Additional Advocate General argued that there is also a difficulty concerning S.No.146/7, as it is listed as ‘மலை’ in column number



12 of the 'A' register. Although it is recorded as சர்க்கார் தீர்வை ஏற்படாத புன்செய் தரிசு' in columns 3 and 4, he contended that if the land already allotted is unusable, the State administration is keen on reallocating another piece of land. If the petitioner approaches the Collector, and subject to legal validity and mutual agreement, either one of the lands above or any other land, with the approval of the District Collector and the school authorities, will be identified and allocated. He further argued that if some time is granted, an amicable solution to the entire episode can be achieved.

13. I have examined the rival submissions from both sides and reviewed the case records. Firstly, the G.O.Ms.414 dated 01.07.2025 is illegal and unconscionable on the face of it. Before referring to the contentions of the petitioner, the Government Order on the face of it is against the large public interest. The land in S.No.74/1 in Periyapattu Village is classified as *sand dunes*. Sand dunes are the natural buffers that protect the land from storms and other events. They act as sand reservoirs. They are habitats for certain *flora* and *fauna*. They are an eco-sensitive system of utmost importance.

14. When this land of the petitioner is taken back for the Temple purposes and instead Sand Dunes is given as alternate land, it is apt to quote Hubert Reeves who said - *"Man is the most insane species. He worships an invisible God and destroys a visible Nature. Unaware that this Nature he's destroying is*

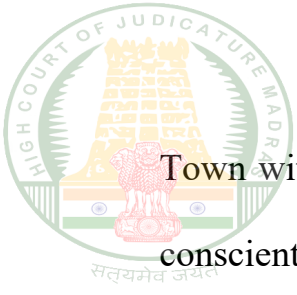


“this God he’s worshipping”. This case is a clear example. Without realising that these Sand Dunes are also the incarnation of Lord Sri Devanatha Swami, who protects its land and people, the authorities deemed it fit to allocate to the petitioner, for development. In their endeavour to protect the sentiments of the devotees of the Temple, they had attempted to give away God himself. Without considering the ecological importance of the sand dunes, the Government acted recklessly, in violation of the public trust doctrine imposed upon it. It is held by the Hon’ble Supreme Court of India in *Intellectuals Forum, Thirupathi Vs. State of Andhra Pradesh and Ors.*¹, that although these lands meant for public use vest at the disposal of the State, the state holds them in public trust and has a duty to preserve their traditional use. In the recent judgment of *State of Telangana and Ors. Vs. Mohammed Qasim*², the Hon’ble Supreme Court of India has held that these ecosystems are not just objects for protection, but subjects that have fundamental rights to survive and exist. The principles are completely disregarded in this case. Therefore, the G.O.Ms. No.414 dated 01.07.2025 cannot stand legal scrutiny.

15. Further, it can be seen that when the petitioner’s land, worth approximately Rs.8 Crores in Cuddalore town, is taken back, the land that is allotted has a value of Rs. 2 Crores and is located 34 kilometres from Cuddalore

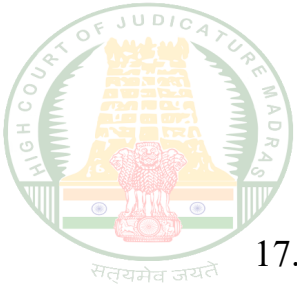
¹ (2006) 3 SCC 549

² (2024) 6 SCC 461



Town without any road access. The State, like any other individual, should act conscientiously and understand the spirit of the order in W.P.No. 27377 of 2009 (cited *supra*). The government order directly contradicts the purport and spirit of the order passed in the writ petition.

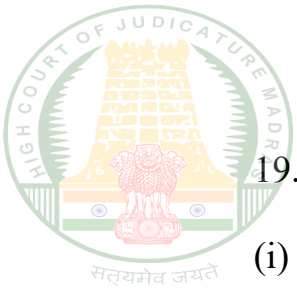
16. With reference to the further relief to be granted, there are three alternatives now mentioned today. Of these, S.No.137/2 covers 2 acres and is 12 kilometres away from Cuddalore Town, making it unacceptable to the petitioner – school. They also submit that the value would be even lower, and it cannot be used to establish an educational institution. The second alternative, listed as S.No.37/1 in Arisi Periyankuppam Village, is only 67 ares, which is much less than required for a school, and its value is lower than the land taken from the petitioner. The third alternative is agreeable to the petitioner school. However, the entire extent is described as 'சர்க்கார் தீர்வை ஏற்படாத புன்செய் தரிக்' with a total extent of 6.27.5 acres. The learned Senior counsel would point out from the revenue records that there is further subdivision as 347 - 1A 2, in which only an extent of 6.27.5 ares is shown as 'மலை தரிக்' and not the entire extent, which will be taken as 'மலை'. When the said land was shown as an alternative and was surveyed and clarified, suddenly, today the Government is going back on its promise and states that the land may be required for the purposes of the Government.



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17. If only a part of the extent is 'மலை' and the rest is not, and it is solely 'சாக்கார தீர்வை ஏற்படாத புன்செய் தரிக்' that is non-objectionable, then the same can be considered for allotment to the petitioner. If the entire extent is 'மலை', it cannot be given to the petitioner nor used by the Government for any other purpose. Therefore, regarding this option, without considering the land's potential future use by the Government, it shall be treated as the first option. If it is non-objectionable as per the Revenue Board Standing Orders, and it is not 'மலை' in entirety or face other restrictions for allotment, the same can be done.

18. If the District Collector and authorities find this land ultimately unsuitable, they must keep in mind the spirit of the undertaking given before this Court in the earlier Writ Petition and allocate land of equal value for establishing an educational institution, preferably inside or adjoining the town, not more than 10 or 12 kilometres away. There must also be access to this land for the petitioner to establish the institution. If the District Collector and the petitioner agree on alternative lands then that land shall be allotted to the petitioner without additional conditions of resumption or usage, via a conveyance under Revenue Board Standing Order - 24. If the respondents cannot identify suitable land, they will have no choice but to pay the land's value to the petitioner.



19. Therefore, this Writ Petition is disposed of on the following terms:-

(i) The Government Order in G.O. Ms. No. 414, Revenue & Disaster Management and Land Settlement, Ni. Mu.5 (1), dated 01.07.2025 shall stand quashed;

(ii) The petitioner - school shall report to the District Collector along with a web copy of this order and the District Collector, in consultation with the appropriate authorities, shall make sincere efforts to thoroughly investigate the land in S.No.146/7 of Thiruvanthipuram Village, Cuddalore District. If feasible, an appropriate extent, reflecting equal value, shall be allotted to the petitioner.

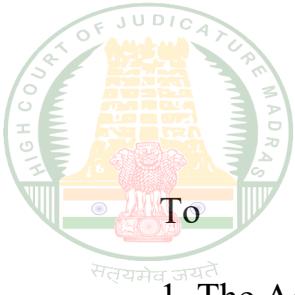
(iii) If the land mentioned above is not feasible, any other suitable land in and around Cuddalore Corporation shall be identified, and the petitioner shall cooperate in this process. The identification shall be completed within four weeks, finalised, and then presented to the Government. A decision should then be made to issue the government order and execute the necessary documents within six weeks.

(iv) If no land can be identified within the period specified above, then appropriate orders should be issued refunding the value of the land to the petitioner.

(v) No costs. Consequently, the connected miscellaneous petitions are closed.

25-02-2026

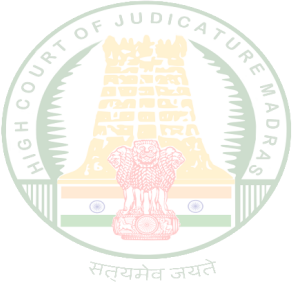
Neutral Citation: Yes
Jer



To
1. The Additional Chief Secretary, The Government of Tamil Nadu,
The Department of Revenue and Disaster Management,
Secretariat, Chennai-09.

2. The Secretary to the Government,
Department Of School Education,
Secretariat, Chennai-09.

3. The District Collector,
Cuddalore, Cuddalore Dt.



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D.BHARATHA CHAKRAVARTHY, J.

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