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W.A.No.No.3603 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30.09.2026
DELIVERED ON : 15.10.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.3603 of 2025

CNR:{HCMA012898332025}

and C.M.P.Nos.29729

and 29725 of 2025



Case QR

Sri Ramachandra Educational and Health Trust
Rep. by its Managing Trustee,
No.25, Sir C.V.Raman Road, Alwarpet,
Chennai-600 018.

Appellant(s)

Vs

1. Paramasewari
W/o.G.Ravichandran,
A1, Malleswari Brindhavan Homes,
S2, 2nd Floor, Ranga Colony,
3rd Cross Street, Rajakilpakkam,
Chennai-600 073.
- 2.The State of Tamil Nadu
Rep. by the Secretary to Government,
Housing and Urban Development
Department, Fort St. George,
Chennai-600 009.



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3.The Tamil Nadu Housing Board
Rep. by its Managing Director,
Nandanam, Chennai-600 035.

4.The Manager, (Marketing and Service)
Tamil Nadu Housing Board, Besant Nagar
Division No.4, Dr.Muthulakshmi Salai,
Adyar, Chennai-600 020.

5.The Executive Engineer and
Administrative Officer
Tamil Nadu Housing Board, Besant Nagar
Division No.48, Dr.Muthulakshmi Salai,
Adyar, Chennai-600 020.

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 12.11.2025 passed by the learned Single Judge in W.P.No.18367 of 2022.

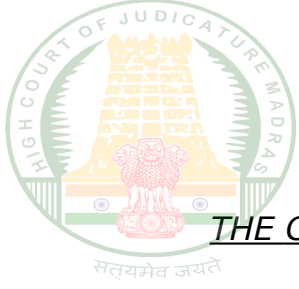
For Appellant(s): Mr.Muthucharan Sundaresh

For Respondent(s): Mr.P.V.Balasubramaniam
Additional Advocate General
assisted by Mr.D.Veerasekaran,
Standing Counsel
for R3 to R5

Mr.V.Selvaraj
for Mr.D.Prabhu Mukunth Arunkumar
for R1

Mr.C.A.Ramanan,
Government Advocate
for R2

JUDGMENT



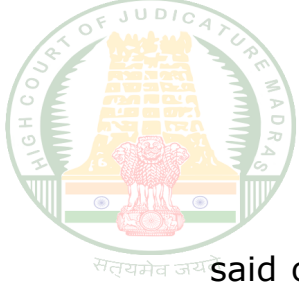
THE CHIEF JUSTICE

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This writ appeal is filed by Sri Ramachandra Educational and Health Trust ("the Trust"), which was the fifth respondent in W.P.No.18367 of 2022, against the order of the learned Single Judge dated 12.11.2025.

2. The writ petitioner, Parameswari, claiming that she owns a share of about 10,254 sq.ft. in a plot that was acquired in the 1980s for a housing scheme, sought a direction to the Tamil Nadu Housing Board ("the Board") to re-convey that share to her. The learned Single Judge refused it and held that she had no right to seek re-conveyance. However, the learned Single Judge then went much further and quashed G.O.Ms.No.208, Housing and Urban Development Department, dated 12.06.1998; set aside the sale deed dated 16.07.2014, by which the Board sold 7.44 acres to the Trust; directed the Board to refund Rs.33.46 crores with interest at 6% a year; and directed the State to take over the land and use it for a public purpose.



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3. It needs to be noted at this juncture that, aggrieved by the said order, the writ petitioner has not filed any appeal and only the Trust has filed the present appeal.

4. The question is a narrow one, viz., once the writ petitioner's own claim failed, could the court still test the Government's decision and the sale to the Trust, in her writ petition?

FACTS BACKDROP:

5.1. On 17.07.1978, the Government issued G.O.Ms.No.1096 under Section 4(1) of the Land Acquisition Act, 1894. About 96.92 acres in Thiruvanmiyur Village were to be acquired for the Board's Besant Nagar Phase II Scheme. Survey No.102/2, measuring 0.94 acre, was one of the survey numbers included.

5.2. The writ petitioner claims the land came to her branch of the family in a partition of 1973 (Doc.No.460 of 1973). The patta (No.1393) stood in the names of her mother Nalini and her brothers



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Nageswaran and Krishnan. Nalini died on 27.06.1979, while the acquisition was pending. The writ petitioner states that she and her siblings then became entitled to a share as legal heirs.

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5.3. Before the declaration under Section 6 of the Act was issued, the family sold the whole 0.94 acre. Twelve sale deeds were registered on the file of the SRO, Saidapet, viz., Doc.Nos.1613 to 1619 of 1981 on 17.06.1981, and Doc.Nos.1620 to 1624 of 1981 on 19.06.1981. The vendors were the four children of K.K.Pasupathy, and the writ petitioner is shown as one of them. The purchasers were M.M.Hanija and eleven others. Eleven of them bought 0.08 acre each and one bought 0.06 acre, totalling 0.94 acre. The deeds show the writ petitioner's age as about 20, but she claims that she was only 15 at that time and that she had not signed the deeds.

5.4. The declaration under Section 6 of the Act followed in G.O.Ms.No.667, dated 06.08.1981, i.e., less than two months after the sales. Award No.3 of 1986 was passed on 23.09.1986. By then the twelve purchasers held the land. Compensation was, therefore, paid to them, on production of their original deeds. The Board's

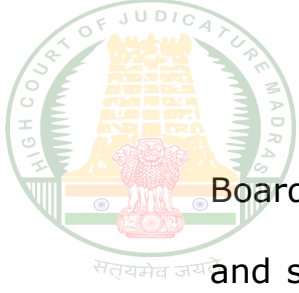
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counter and the State's counter both assert it. The land was handed over to the Board on 28.10.1986.

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5.5. Nine years after the award, the twelve purchasers dealt with the land again. Between 30.04.1995 and 22.06.1995, they executed nine settlement deeds in favour of the Trust (Doc.Nos.2033, 2036, 2093, 2094, 2100, 2101, 2102, 2265 and 2437 of 1995) and three sale deeds (Doc.Nos.2435, 2436 and 2439 of 1995). The settlements cover 70 cents and the sales cover 24 cents, in all 94 cents.

5.6. The Trust then asked the Government to exclude its land from the acquisition. By letter dated 03.12.1997, corrected on 09.12.1997, the Government ordered the exclusion or re-conveyance of 8.94 acres in Survey Nos.78/7, 78/8 and other numbers. The Government then issued G.O.Ms.No.208 on 12.06.1998 (amended by a letter dated 24.06.1998). The order notes that the Trust wanted the land for an office block, a hospital, staff quarters and a store for medicines, and for educational and research work. It records that the Government considered the



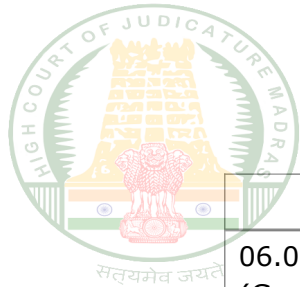
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Board's proposal. It directs the Board to allot the land to the Trust and sell it on payment of the land cost under the Board's rules. As the learned Single Judge records, the order also exempted another 0.95 acre, where acquisition had not been completed.

5.7. The Trust wrote again on 21.02.2007, agreeing to pay the land cost. By a letter dated 03.03.2007, the Government fixed the land cost at Rs.6,01,320/- per ground. The Board approved the sale by Resolution No.9.10 dated 01.07.2014. The sale deed (Doc.No.7806 of 2014) was registered on 16.07.2014. It conveys 7.44 acres for Rs.33,46,79,000/-, and the Board acknowledges receipt of the whole price.

5.8. For ease of reference, the relevant dates are tabulated hereunder:

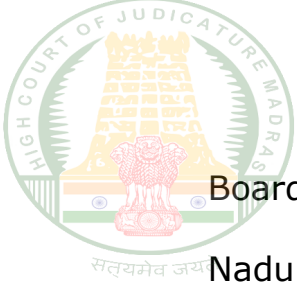
Date	Event
17.07.1978 (Gazette 09.08.1978)	Section 4(1) notification, G.O.Ms.No.1096, for 96.92 acres; S.No.102/2 (0.94 acre) included.
27.06.1979	Nalini, mother of the writ petitioner, dies.
17.06.1981 and 19.06.1981	Twelve sale deeds (Doc.Nos.1613 to 1624 of 1981) in favour of Hanija and eleven others.

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Date	Event
06.08.1981 (Gazette 08.08.1981)	Section 6 declaration, G.O.Ms.No.667.
23.09.1986	Award No.3/1986. Compensation paid to the twelve purchasers.
28.10.1986	Land handed over to the Board.
30.04.1995 to 22.06.1995	Nine settlement deeds and three sale deeds by the twelve purchasers in favour of the Trust (94 cents).
03.12.1997 and 09.12.1997	Government letters on exclusion or reconveyance for the Trust.
12.06.1998	G.O.Ms.No.208.
03.03.2007	Government fixes land cost at Rs.6,01,320/- per ground.
01.07.2014	Board Resolution No.9.10.
16.07.2014	Sale deed, Doc.No.7806 of 2014: 7.44 acres for Rs.33,46,79,000/-
20.01.2021 and 27.04.2021	Writ petitioner obtains age certificate and sends a representation.
June 2022	W.P.No.18367 of 2022 filed.
12.11.2025	Order of the learned Single Judge.

THE WRIT PETITION AND THE STAND TAKEN BY THE PARTIES

6.1. The writ petition has been filed seeking issuance of a writ of certiorarified mandamus to quash G.O.Ms.No.208; the Board's proceedings dated 01.07.2014; and the sale deed dated 16.07.2014, "in so far as" her share of 10,254 sq.ft. out of 0.94 acre in S.No.102/2 was concerned. It also sought a direction to the



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Board to convey that share to her under Section 72 of the Tamil Nadu Housing Board Act, 1961 (*"the Housing Board Act"*). It is, therefore, ostensibly clear that the relief sought by the writ petitioner was limited to her own share.

6.2. Succinctly put, the case of the writ petitioner was that the twelve sale deeds of 1981 were arranged by the Trust, so that it could later get the land through the Board. She was a minor and never signed those deeds. The deeds of 1995, the Government order and the sale form one transaction vitiated by fraud and collusion. The Board did not follow Section 72 of the Housing Board Act. The Trust has built a Kalyana Mandapam (Marriage Hall) and uses it to earn money. In paragraph 9 of her affidavit, she referred to a newspaper report dated 06.07.2018, in which a media interview of a political leader was reported, which called for an inquiry into the sale of about seven acres to the Trust. It said the guideline value would be about Rs.267 crores and the market value about Rs.405 crores, against a price of Rs.33,46,79,000/-.

6.3. The Board filed a counter asserting that it sold the land



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on the Government's order and its own resolution, at the price the Government had fixed, and that the writ petition was hit by delay of about 25 years from G.O.Ms.No.208, dated 12.06.1998 and 9 years from the sale deed dated 16.07.2014. The State took the same stand. It added that the writ petitioner was not the original owner and that her case on age and signature raised disputed facts which could only be determined by a civil court. The Trust pleaded that the writ petitioner had sold her share, that she had no standing to question the acquisition or the later dealings, that any challenge to the 1981 deeds became time-barred by 1987, that fraud could not be tried in a writ petition, and that Section 72 of the Housing Board Act had no application because it had bought the land from the previous owners.

6.4. The record shows that when the writ petition first came up for admission on 19.7.2022, the learned Single Judge then sitting on the roster doubted whether the writ petition was maintainable at all and adjourned the matter to 12.09.2022 for hearing the respective parties on the preliminary issue of maintainability. The petition was later listed before another learned

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Judge following a change of roster and the order now under appeal was passed.

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THE ORDER UNDER APPEAL

7.1. The learned Single Judge framed four issues. Issue No.1 was whether the writ petition was maintainable at the instance of the erstwhile original owner. Issue No.2 was whether the writ petitioner could claim re-conveyance under Section 48-B of the Land Acquisition Act. Issue No.3 was whether the sale to the Trust was in line with the Land Acquisition Act. Issue No.4 was whether G.O.Ms.No.208 was in line with that Land Acquisition Act and the Housing Board Act.

7.2. On Issue No.1, the learned Judge found against the writ petitioner. It was held that the writ petitioner was not the owner when the declaration under Section 6 of the Land Acquisition Act was issued. She had never challenged the acquisition or the 1981 sale deeds. She came to Court about 44 years after the notification under Section 4(1) of the Land Acquisition Act was issued. She had never gone to a civil court. Her claim qua age rested on a certificate



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obtained in 2021. The learned Single Judge said her right to agitate "would be flimsy". In paragraphs 73 and 74, the learned Single Judge held that the writ petition was maintainable, notwithstanding her lack of rights. The reason assigned by the writ court was that public property was involved and that the Court could act "*suo motu*" to examine the conduct of the State and the Board.

7.3. On Issue No.2, the learned Single Judge held that the writ petitioner was not the owner on the date of the declaration, and, therefore, she cannot not seek re-conveyance under Section 48-B of the Land Acquisition Act, and that in any case the Government alone is empowered to accept or reject the request for re-conveyance. The issue was, accordingly, answered against the writ petitioner.

7.4. Issue Nos.3 and 4 were taken together. The learned Judge held that the Board had no power to sell the land under Section 72 of the Housing Board Act, and that the Government's power rests in Section 48-B of the Land Acquisition Act. The learned Single Judge found that the Government had formed no opinion on



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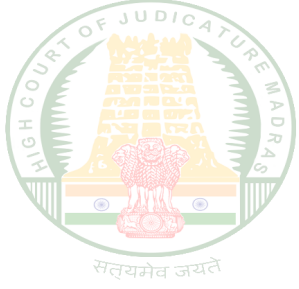
"any other public purpose", that the Government order was silent on public purpose, and that the Trust is neither a local authority nor a society within Section 3(f)(vi) of the Land Acquisition Act. It was held that the use of part of the land as a marriage hall and the Trust's tax returns, did not show a public purpose. It was remarked that the land should have been sold at public auction, and that the sale was "*an act of a realtor*".

7.5. The writ petition was disposed of and the directions in paragraph 122 are: (i) the prayer for re-conveyance is rejected; (ii) G.O.Ms.No.208 is quashed; (iii) the sale deed in favour of the Trust is set aside; (iv) the Board must refund the price with simple interest at 6% a year from the date of sale; and (v) the State must take over the land and use it for a public purpose under Section 3(f)(vi) of the Land Acquisition Act.

RIVAL SUBMISSIONS:

8. Learned counsel appearing on behalf of the Trust made the following submissions:

(a) Maintainability of the writ petition ought to



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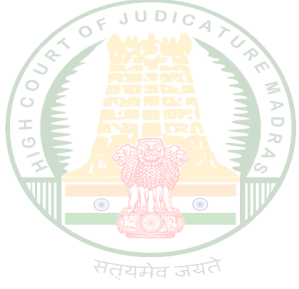
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have been decided by the writ court at the threshold.

At the stage of admission, the writ court had itself doubted it. The writ petitioner has no personal right, as was held by the learned Single Judge and, therefore, the writ petition should have been dismissed at once.

(b) After finding against the writ petitioner on Issue Nos.1 and 2, the learned Single Judge ought not to have gone into the allotment to the Trust. The order goes well beyond what was prayed for. The writ petitioner asked for 10,254 sq.ft. The learned Single Judge cancelled the whole sale deed of 7.44 acres. The directions in paragraphs 73 and 74 are the kind of directions given in a public interest petition, which the learned Single Judge hearing a writ petition could not have issued.

(c) Issue No.3 was framed after the writ petition had been reserved for orders. The Trust had no chance to answer it and, therefore, the same is in gross violation of the rudimentary principles of



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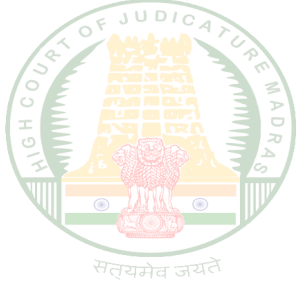
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natural justice.

(d) The towering delay is unexplained by the writ petitioner. The learned Single Judge himself noted delay of 44 years. Neither the acquisition was challenged, nor the deeds executed in 1981 were challenged. The right of the writ petitioner to go to a civil court ended in 1987. The age certificate of 2021 created an artificial cause of action. The Trust's rights have long settled. The Trust has invested more than Rs.100 crores into the land and holds free medical camps there.

(e) The twelve purchasers were the owners when the declaration and award came. They were paid compensation. They then gave their land to the Trust by deeds of 1995. None of twelve purchasers has complained.

(f) The land vested in the Government. Once the original purpose does not exist, the Government was free to use it for another public purpose. The decision was taken by the Government and G.O.Ms.No.208



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was passed by order of the Governor, which shows that Section 48-B of the Land Acquisition Act was kept in mind. The price was fixed by the Government and paid in full.

(h) The learned Single Judge did not say a word about the 0.95 acre which the same Government order exempted from acquisition.

(i) The Trust also referred to an earlier order dated 16.04.2015 passed in W.P.No.25989 of 2014, in which, a learned Single Judge upheld G.O.Ms.No.208 and the sale deed executed in favour of the Trust.

9.1. Learned counsel for the writ petitioner supported the impugned order passed by the learned Single Judge. He made three main points. First, the statute requires the Government to pass an order of forfeiture under Section 16-B of the Land Acquisition Act before it can deal with land that is not being used, and the Government cannot do away with that step. Second, all the deeds in the chain are hit by Sections 82 and 83 of the Registration Act. Third, the Trust runs a marriage hall (Kalyana Mandapam) on the

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land and there is no hospital, so there is no public purpose.

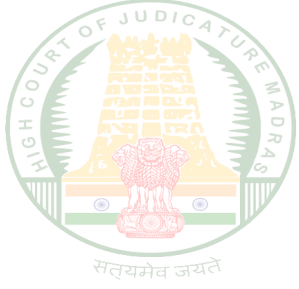
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9.2. He also drew our attention to paragraph 9 of the writ affidavit, on the guideline value, the market value and the price paid. He relied on *R.Shanmugam and others v. The State of Tamil Nadu*¹ in support of the submission that the government has no power to grant permission to the Board to sell the property and to make profit.

10. Learned Additional Advocate General for the Board and learned Government Advocate submitted that the Government fixed the land value and the Government decided to convey the land. The Board only acted on the Government's instructions and executed the sale deed. The argument on Section 16-B of the Land Acquisition Act raised by the writ petitioner, therefore, has no legs. The provisions of the Registration Act on which the writ petitioner relies concern fraud at the time of registration and that is not the case here.

DISCUSSION

¹2006 (4) CTC 290



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11. In the case at hand, we are not asked to decide whether the Government could have put this land up for auction, or whether a different use would have served the public better. This falls within the realm of policy decision. The question for us is whether a writ petitioner, whose own claim was rejected, could still have the Government's decision and a registered sale examined in her writ petition, and have them set aside.

12. We have gone through the pleadings, the typed set of papers, the impugned order and the written submissions. We deal with each point on the trot.

A. MAINTAINABILITY:

13. A person who comes to this Court under Article 226 of the Constitution of India must show a legal right of her own, or a breach of a public duty that affects her. The learned Single Judge quoted the leading passage from *Ayaaubkhan Noorkhan Pathan v. State of Maharashtra*² to the same effect. The exceptions are known

² (2013) 4 SCC 465

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— habeas corpus, quo warranto and genuine public interest petitions.

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14. Admittedly, the writ petition was not a public interest litigation. It was filed by a person who says she owns a share. The affidavit of the writ petitioner speaks of “*my share*” again and again. The only prayer sought by the writ petitioner was for re-conveyance of that share to her and the case she pleaded was a private one.

15. When the matter first came up for admission, the learned Single Judge then having roster questioned whether such a petition could be maintained at all. After the roster changed, the writ petition was listed before another learned Judge, who took up the issue of maintainability under Issue No.1, found against the writ petitioner on nearly every point. However, the learned Single Judge held it maintainable “*notwithstanding the rights of the petitioner*”, because the Writ Court could proceed *suo motu*. The said observation is not an answer to the question whether this writ petition, as filed by this petitioner, was maintainable. It sets that

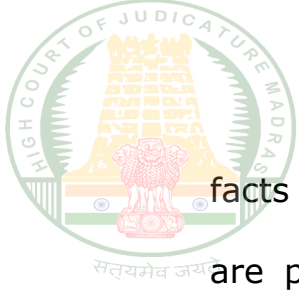
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question aside and starts a different inquiry. The doubt raised at the threshold was never met on its own terms. Having found that the writ petitioner had no enforceable right, in our considered opinion, the learned Single Judge ought to have dismissed the writ petition.

B. THE SUO MOTU ORDER AND PUBLIC INTEREST:

16. The learned Single Judge relied on paragraph 22 of the decision in *Ayaaubkhan* (supra). The said passage allows a Court, in exceptional cases, to look into a grievance raised by a person who has “*no personal agenda or object*” in the matter, where those actually affected cannot come forward. The writ petitioner is not such a person. In fact, the writ petitioner wanted her own share. The submissions of learned counsel for the writ petitioner and the findings of the learned Single Judge point to personal interest. A person with a personal claim cannot be treated as a public-spirited litigant after she loses on that claim.

17. A public interest petition is a different kind of proceeding. The petitioner’s good faith is examined. The Court looks for full



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facts and calls for all affected persons. In this Court, such petitions are placed before the Division Bench assigned the roster by the Chief Justice. Learned counsel for the Trust made this very point before the learned Single Judge, as was recorded in paragraph 42 of the impugned order, and the proper course, if the learned Single Judge felt there was a public cause, was to refer the matter to the Chief Justice. The impugned order does not deal with it.

18. The directions in paragraphs 73 and 74, and the later directions that follow from them, are in the nature of an order in a public interest litigation. The Writ Court sat in judgment on the wisdom of the State in allotting land, ordered the Board to refund more than Rs.33 crores with interest, and ordered the State to take back the land and put it to another use. No party sought such relief. It was not open to the learned Single Judge to take that step in a writ petition, and certainly not for a writ petitioner who was found to have no right in the property.

19. The suo motu power, where it exists, must be used with great care. In the case at hand, the Trust had to face a challenge in



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respect of a strip of 10,254 sq.ft. and was never told that it would have to defend the whole sale of 7.44 acres, or that it would be asked to show that it falls within Section 3(f)(vi) of the Land Acquisition Act. The appellant also says that Issue No.3 was framed only after the case was reserved for orders. We need not decide that complaint. The order cannot stand for the reasons we are giving herein below.

C. RELIEF BEYOND THE PRAYER:

20. The writ petitioner asked for the orders to be quashed only "*in so far as*" her share of 10,254 sq.ft. was concerned. The learned Single Judge quashed G.O.Ms.No.208 as a whole. The Government order covers sixteen survey numbers. He set aside the whole sale deed of 7.44 acres and ordered a refund of the entire price. No owner of any other part of the land had approached the Court. No one else had asked for this relief.

21. A Court may mould relief. It can do so where the petitioner has made out a right and the relief asked for is too

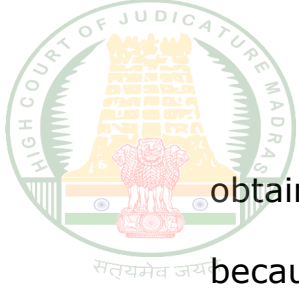


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narrow or not quite right. It cannot give a larger and different relief to a petitioner whose own right has been rejected. Moulding relief presupposes that there is relief to mould. Here, once Issue Nos.1 and 2 were answered against the writ petitioner, nothing was left to mould.

D. THE FINDINGS ON ISSUE NOS.1 AND 2:

22. The writ petitioner has not filed an appeal. The findings against her on Issue Nos.1 and 2 have, therefore, become final between the parties. We have, in any case, looked at them, and we agree with them. She is shown as a vendor in the 1981 sale deeds. She did not challenge them for more than four decades, though by her own account she was 15 in 1981 and came of age by about 1984. The petitioner said nothing when the declaration was issued, nothing when the award was passed, nothing when compensation was paid to the purchasers, and nothing when the Trust took the land from them in 1995. There is no explanation in her affidavit as to why she did not know all these facts, though it all happened within her own family. Her claim about her age rests on a certificate



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obtained in 2021. The question whether the 1981 deeds are void because of her age cannot be decided by a writ court.

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23. On the date when the declaration was passed under Section 6 of the Land Acquisition Act, the land stood in the hands of the twelve purchasers. The writ petitioner was not the owner then. Section 48-B of the Land Acquisition Act, as the Division Bench explained in *R.Shanmugam* (supra), gives an owner only an element of right to have a request considered. It is for the Government to accept or reject it. She cannot ask for re-conveyance. These findings are sound and we affirm them.

E. DELAY:

24. The learned Single Judge noted that the writ petition was filed 44 years after the notification was issued under Section 4(1) of the Land Acquisition Act. In paragraph 57, the learned Single Judge set out the principles from *Durga Prashad v Controller of Imports and Exports*³ and *Narayani Devi Khaitan v. State of Bihar*⁴, which

³ (1969) 1 SCC 185

⁴ Civil Appeal No.140 of 1960, Order dated 22.09.1964

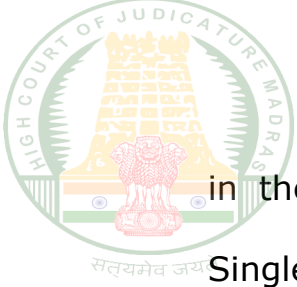
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say that a court may refuse a writ on delay alone. However, the learned Single Judge did not apply them. G.O.Ms.No.208 is dated 12.06.1998 and the sale deed is dated 16.07.2014. The writ petition was filed in June 2022. The Trust has held and used the land since 2014 and, as it says, has spent more than Rs.100 crores on it. A Court cannot excuse delay for the sake of a public cause that no one has brought before it in the proper way.

F. THE TWELVE DEEDS AND THE COMPENSATION:

25. The learned Single Judge treated the 1995 deeds in favour of the Trust as suspect and observed that they “*smack of mala fides*” and drew an adverse inference against them. We cannot agree with that approach. The facts on the record, which are not disputed, are these.

26. Twelve registered deeds were executed in June 1981. The twelve purchasers held the land on the date of declaration under Section 6 of the Land Acquisition Act and the award was passed in their favour and, in fact, they received compensation. This is stated



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in the counters of the Board and of the State, and the learned Single Judge accepts it. These twelve persons were treated as owners under the provisions of the Land Acquisition Act. They chose, in 1995, to settle or sell their rights to the Trust, which says it does charitable work. They have never complained and none of the twelve has said that anything was taken from him by fraud.

27. The learned Single Judge drew serious conclusions about these twelve persons. He said they had acted at the Trust's behest and with an improper motive. None of them was before the Court and none was heard before making such observations. There is no evidence to support such a finding.

28. The land was handed over to the Board in 1986. The learned Single Judge himself noted that a large part of it remained unused. The Board realised that it could not put this land to the purpose for which it was acquired. It sought the Government's direction. The Government considered the Board's proposal and the Trust's request, and passed G.O.Ms.No.208. Thereafter, the price was fixed and the Trust paid it. The Board then executed a

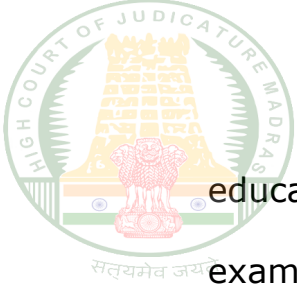
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registered sale deed that bound the Trust to use the land for a public purpose and institutional use.

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29. The Board is a statutory body and it acted on the directions of the Government. It did not sell land on its own authority. This answers the point that Section 72 of the Housing Board Act does not give the Board a power to sell. The decision in *R.Shanmugam* (supra) says that the Board cannot dispose of unused land by itself under Section 72 of the Housing Board Act, and that the power to decide lies with the Government. In the case at hand, the Government decided, the Government fixed the price, and the Board carried out the order. Whether the route was perfect or not, the writ petitioner had no stake in it.

30. The law on what the Government may do with acquired land that is no longer needed for the original purpose is also settled. The decisions quoted by the learned Single Judge in the impugned order emphasize that the land can be used for any other public purpose. Whether the Government should have put the land to auction or allotted it to an institution that provides health care and



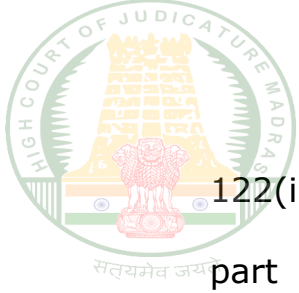
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education, is a matter of policy for the Government. A Court may examine that decision for arbitrariness. It cannot replace it with its own view of what is best, and certainly not at the instance of one who has no right in the land.

G. WHETHER THE FINDINGS CAN BE TESTED ONLY AGAINST THE TRUST:

31. As the learned Single Judge recorded, G.O.Ms.No.208 directed two things. It directed the sale of the larger extent to the Trust. It also exempted 0.95 acre from acquisition for the same Trust, where proceedings were still pending. The learned Single Judge found fault with the order for want of a public purpose, and he quashed it. But in all his reasoning, he said nothing about the 0.95 acre. If the order is bad for want of a public purpose, then it is bad for the whole of the exempted land as well. If the Government's decision on that part is left alone, there is no ground to say that the same decision is invalid in respect of the rest.

32. A Court cannot test an order that is made in one piece against one beneficiary and leave the rest of it as it is. Paragraph



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122(ii) quashes the whole Government order. It also decides that part of the government order which no one has challenged and which the learned Single Judge did not examine. This shows that the inquiry was never an adjudication of the writ petitioner's dispute. It was an examination of the Government's conduct at large. In our considered opinion, the said exercise could not be done in the writ petition, which never claimed any such relief.

H. THE CONTENTIONS OF THE WRIT PETITIONER ON THE MERITS:

33. Learned counsel for the writ petitioner defended the order on three grounds and we have considered each of them.

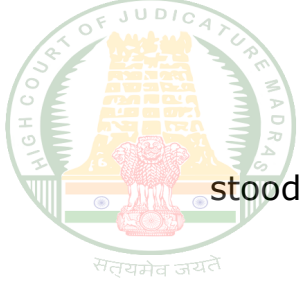
34. Section 16-B of the Land Acquisition Act, introduced by the Tamil Nadu Amendment, allows the Government to forfeit land as a penalty, where land acquired for a public purpose is not used for that purpose. In this case, the land was held by the Board, which is the Government's own instrument. The Government itself decided what was to be done with it. The writ petitioner did not plead Section 16-B of the Land Acquisition Act in her grounds. If



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there was any lapse, only the Government or the Board could complain of it. However, the Board and the Government stand by the transaction. As the Additional Advocate General submitted, the Government fixed the value, the Government decided to convey the land, and the Board acted on those instructions. There is nothing in the argument on Section 16-B of the Land Acquisition Act that helps the writ petitioner.

35. The learned Single Judge held that the Government order was silent on public purpose and that the Government had not formed an opinion. The Government Order was passed by order of the Governor. It records that the Government considered the Board's proposal and the Trust's request. It records the uses for which the land was wanted: a hospital, medicines storage, staff quarters, and education and research. It then directs allotment on payment of the land cost. A statute does not require the Government to use any special words when it forms an opinion. The opinion can be read from the order and the record around it. The learned Single Judge also noted that he had not been shown the Trust's letter or the legal opinion. The Board and the State both

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stood by the order in their counters.

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36. The learned Single Judge held that the Trust is not a local authority or a registered society, and that it had no prior approval, so its work could not be a public purpose. We have a difficulty with that reading. Section 3(f) says that “public purpose includes” the listed items. The definition is not closed. Clause (vi) speaks of providing land for an educational, housing or health scheme through acquisition. It tells us what kinds of acquisition can be justified. This land was acquired long ago, in a valid acquisition that was never challenged, for the Board’s scheme. The later question is what the Government may do with surplus land that is already vested in it and that is governed by Section 48-B, which speaks of “any other public purpose”. It is not governed by the list of purposes in clause (vi) for acquisition. Applying clause (vi) to the later allotment was an error. In the case at hand, the Government’s own order is the best proof of its approval.

37. The writ petitioner alleges the Trust runs a marriage hall and not a hospital. The learned Single Judge proceeded on the

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footing that a marriage hall stands on the land, and said the Trust's tax returns did not prove charitable use. However, the writ petitioner offered nothing beyond the bare statement in her affidavit. The Trust says it runs philanthropic work and free medical camps on the land, and it filed material to show that. The learned Single Judge discounted it. Whether a hall on the premises is let out, and whether the income is used for charity, are questions of fact. They can be tried only with evidence. If any part of the land is used against the covenant in the sale deed, it is for the Government or the Board to take action under the deed and the law. The same has nothing to do with the validity of a sale made in 2014 or an order made in 1998.

38. Paragraph 9 of the affidavit is the source of the case on value. It rests on a newspaper report of an interview in 2018 in which a political leader gave figures for the guideline and market values. A news report of a political statement is not evidence of value. The figures relate to 2018, while the Government fixed the cost in 2007 under the Board's rules, and the Trust paid it in full. The writ petition does not plead undervaluation as a ground and her



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own prayer was that the Board should convey her share to her. She did not ask that the land be auctioned, but the learned Single Judge's remarks about sale at a "*pittance*" and the need for auction rest on this unproved allegation. These remarks were not based on evidence.

39. Learned counsel for the writ petitioner alleged that every deed in the chain is hit by the Registration Act. The provisions he relied on deal with fraud and impersonation in registration. No such case is made out. The deeds of 1981 and 1995 and the sale deed of 2014 are all registered. The only attack on them is that the writ petitioner's signature in the 1981 deeds is not hers, and that is a matter for a civil court, which she has never approached. Nothing in the Registration Act helps her to cancel a Government order and a sale deed in a writ petition.

40. The decision of a Division Bench of this Court in *R.Shanmugam* (supra) dealt with the Board's own power to sell unused land under Section 72 of the Housing Board Act and with the Government's power to forfeit under Section 16-B of the Land



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Acquisition Act. It held that the Board cannot dispose of unused land by itself and that the power lies with the Government. As we have already observed, the Government made the decision here. The case does not say that the Government cannot allot such land for another public purpose. It says the opposite and it recognises that the Government may do so.

41. In the case at hand, the writ petitioner lost on her own claim. The twelve owners were paid. The Board received its price. The only loss that the order speaks of is the higher price that an auction might have brought. In our considered view, that is a policy decision. It is not a legal injury that can be put right by a Court in a writ petition.

CONCLUSION:

42. The learned Single Judge was right to reject the writ petitioner's claim for re-conveyance. The Writ Court should have stopped there and dismissed the writ petition. By going on to examine the Government order and the sale, in a petition filed by a

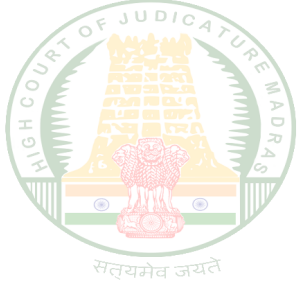


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person with no right, the Writ Court went beyond the prayer, beyond the pleadings, and beyond the jurisdiction of a Single Judge hearing a writ petition. The Writ Court issued directions that could have only been issued in a public interest litigation. The learned Single Judge tested one Government order against only one of its beneficiaries and he drew grave inferences against twelve persons who were never heard. We hold that the findings on Issue Nos.3 and 4, and the directions that flow from them, cannot be sustained.

43. In the result:

- (i) The writ appeal is allowed.
- (ii) The findings of the learned Single Judge on Issue Nos.1 and 2, that the writ petitioner has no enforceable right, was not the owner of the land on the date of the Section 6 declaration, and is not entitled to re-conveyance under Section 48-B of the Land Acquisition Act, are affirmed. Direction (i) in paragraph 122 of the order, rejecting re-conveyance, holds good.
- (iii) Paragraphs 73 and 74 of the order, to the extent they hold that the writ petition could be entertained *suo motu*



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or in the public interest despite the writ petitioner's lack of right, are set aside. The findings on Issue Nos.3 and 4 (paragraphs 80 to 120) are set aside. Directions (ii), (iii), (iv) and (v) in paragraph 122 are set aside.

(iv) G.O.Ms.No.208, Housing and Urban Development Department, dated 12.06.1998, the Board's Resolution No.9.10 dated 01.07.2014, and the sale deed dated 16.07.2014 (Doc.No.7806 of 2014) stand restored. The direction to the Board to refund the sale price with interest is set aside.

(v) W.P.No.18367 of 2022 stands dismissed.

(vi) There shall be no order as to costs.

(vii) Consequently, connected miscellaneous petitions stand closed.

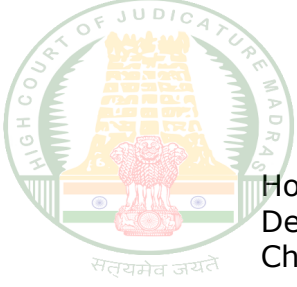
(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
15.10.2026

Index : Yes
Neutral Citation : Yes

To:

1.The Secretary to Government,
State of Tamil Nadu

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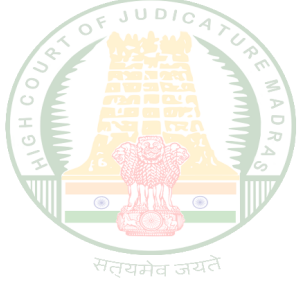


Housing and Urban Development
Department, Fort St. George,
Chennai-600 009.

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- 2.The Managing Director,
Tamil Nadu Housing Board
Nandanam, Chennai-600 035.
- 3.The Manager, (Marketing and Service)
Tamil Nadu Housing Board, Besant Nagar
Division No.4, Dr.Muthulakshmi Salai,
Adyar, Chennai-600 020.
- 4.The Executive Engineer and
Administrative Officer
Tamil Nadu Housing Board, Besant Nagar
Division No.48, Dr.Muthulakshmi Salai,
Adyar, Chennai-600 020.



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Order QR

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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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15.10.2026