



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23-06-2026

WEB COPY

DATE OF DECISION : 16-07-2026

CORAM

**THE HONOURABLE MR JUSTICE P. VELMURUGAN
AND
THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN
THILAKAVADI**

**STA No. 1 of 2007
AND
WP Nos. 21360 & 24587 of 2003**

Arulmighu Mandiragiri
Velayuthasamy Temple rep.by its
Fit Person E.Sundaram
Parameswaranpalayam, Nallur
Tiruppur Taluk, Coimbatore District

Appellant

Vs

1. V.Palanisamy (Deceased)
2. Arumugam
S/o.Late Velappa Gounder
3. Kumarasamy (Deceased)
4. Rasappa Gounder (Deceased)
5. Ramasamy (Deceased)
6. Palanisamy (Deceased)
7. Ravichandran
S/o.Late Chinnasamy
8. Rasappan (Deceased)
9. Arunachalam (Deceased)



10.Muthusami (Deceased)

11.Sakthivel (Deceased)

12.Balasubramaniam (Deceased)

13.The Settlement Tahsildar No.II

Gobichettipalayam

(Now Asst. Settlement Officer (South)

and Addl. Personal Asst. to Director of

Survey and Settlement, Chepauk, Chennai

14.Sri Mandiragiri Velayuthasamy Temple
at Parameswarampalayam, Nallur Village
Palladam Taluk, Coimbatore District
rep.by its Pujari C.Rajendran

15.Tmt.Sakundala

D/o.Late Rasappa Gounder

16.Tmt.Eswari

D/o.Late Rasappa Gounder

17.Tmt.Susila

D/o.Late Rasappa Gounder

(R15 to R17 brought on record as LR's of
deceased R4 vide order of Court dated
15.10.2009 made in MP.Nos.1 to 10/2009
in STA No.1/2007)

18.Tmt.Ramathal

W/o.Late Rasappan

19.Mr.Appasamy

S/o.Late Rasappan

20.Mr.Thangamuthu

S/o.Late Rasappan

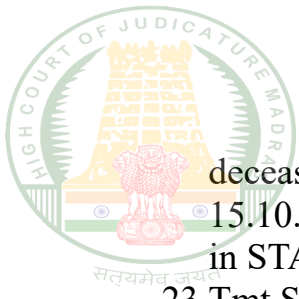
21.Tmt.Ponkodi

D/o.Late Rasappan

22.Tmt.Tamilselvi

D/o.Late Rasappan

(R18 to R22 brought on record as LR's of



deceased R8 vide order of Court dated
15.10.2009 made in MP.Nos.1 to 10/2009
in STA No.1/2007)

23.Tmt.Saraswathi @ Babi
W/o.Late Balasubramaniam

24.Selvi.Deepika (Minor)
D/o.Late Balasubramaniam rep.by her
mother Tmt.Saraswathi @ Babi

25.Selvan.Selva Deepan (Minor)
S/o.Late Balasubramaniam rep.by her
mother Saraswathi @ Babi

26.Tmt.Suppathal
M/o.Late Balasubramaniam
(R23 to R26 brought on record as LR's of
deceased R12 and R23 Appointed as
Guardian for R24 and R25 vide order of
Court dated 15.10.2009 made in MP.Nos.1
to 10/2009 in STA.No.1/2007)

27.K.Velliangiri (Deceased)

28.K.Kanagasubramaniam (Deceased)
(R27 & R28 brought on record as LR's of
deceased R3 vide order of Court dated 06.04.10
made in MP.No.1/10 in STA No.1/2007)

29.V.Kallamani
W/o.Velliangiri

30.V.K.Ragavi (Minor)
rep.by her natural guardian mother V.Kallamani

31.V.K.Pooja (Minor)
rep.by her natural guardian mother V.Kallamani

32.A.Angathal

33.T.A.Sambath Kumar

34.R.Janaki

35.Lakshmi



W/o Late K.Palanisamy

36.D.Selvi

D/o.Late K.Palanisamy

37.G.Suda

D/o.Late.K.Palanisamy

38.Vasanthi

W/o.P.Sakthivel

39.Mithun

S/o.P.Sakthivel

40.Usharani

D/o.P.Sakthivel

(R29 to R31, R32 to R34, R35 to R37, R38 to R40 are brought on record as LR's of the Deceased Respondents 27,9,6,11 respectively, vide order of Court dated 10.04.2017 made in CMP Nos.6272 to 6283/2017 in STA No.1/2007)

41.Geetha

W/o Late K.Kanagasubramaniam

42.Minor K.G.Selva Praba

D/o Late K.Kanagasubramaniam

rep.by her natural guardian/mother Mrs.Geetha

(R41 & R42 brought on record as LR's of deceased R28 viz., Kanagasubramaniam vide Court order dated 08.11.2018 in CMP.8421/2018 in STA.1/2007)

43.Amirtham

D/o.Late Palanisamy

44.Saradhammal

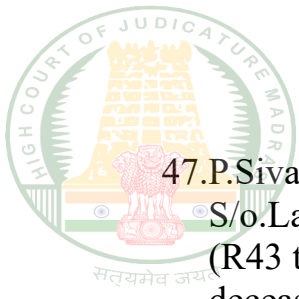
D/o.Late Palanisamy

45.P.Ravichandran

S/o.Late Palanisamy

46.P.Selvaraj

S/o.Late Palanisamy



47.P.Sivakumar

S/o.Late Palanisamy

(R43 to R47 are brought on record as LR's of
deceased R1 vide Court order dated 04.12.2025
made in CMP.30372/2025 in STA.1/2007)

48.Govindhammal

W/o.Late Ramasamy

49.Kanchanamala

D/o.Late Ramasamy

50.R.Ramesh Kumar

(R48 to R50 are brought on record as LR's of
deceased R5 vide Court order dated 04.12.2025
made in CMP Nos.29411,29417,29418 of 2024
in STA.1/2007)

51.Karunathal

W/o.Muthusami

52.Subbulakshmi

D/o.Muthusami

53.M.D.Selvaraj

54.Somasundaram

S/o.Muthusami

(R51 to R54 are brought on record as LR's of
deceased R10 vide Court order dated 04.12.2025
made in CMP Nos.29425,29429,29433 of 2024
in STA.1/2007)

Respondents

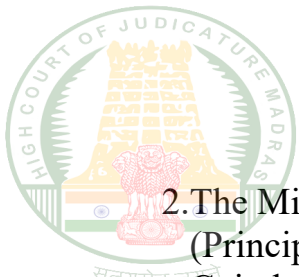
WP No. 21360 of 2003

Sri Mandragiri Velayuthasamy Temple
Rep.by Fit Person Cum Executive Officer
Nallur Village, Palladam Taluk
Coimbatore District

Petitioner

Vs

1. The Asst. Settlement Officer (South)
Chepauk, Chennai 600 005



2.The Minor Inams Tribunal
(Principal Subordinate Judge)
Coimbatore

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3.Rasappa Gounder (Deceased)

4.V.Palanisamy (Deceased)

5.Arumugam

S/o Velappa Gounder

6.Kumarsamy (Deceased)

7.Ramasamy (Deceased)

8.Palanisamy (Deceased)

9.Ravichandran

S/o Kandasamy

10.Arunachalam (Deceased)

11.Muthusami (Deceased)

12.Sakthivel (Deceased)

13.Tmt.Sakundala

D/o Late Rasappa Gounder

14.Tmt.Eswari

D/o Late Rasappa Gounder

15.Tmt.Susila

D/o Late Rasappa Gounder

16.Tmt.Ramathal

W/o Late Rasappan

17.Mr.Appasamy

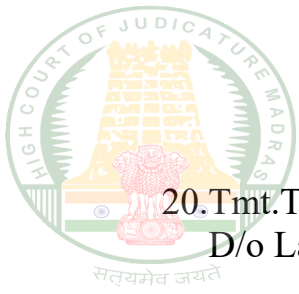
S/o Late Rasappan

18.Mr.Thangamuthu

D/o Late Rasappan

19.Tmt.Poonkodi

D/o Late Rasappan



20.Tmt.Tamilselvi
D/o Late Rasappan

21.Tmt.Saraswathi @ Babi
W/o Late Balasubramaniam

22.Selvi.Deepika
D/o Late Balasubramanian

23.Selvan.Selva Deepan
S/o Late Balasubramaniam rep.by
his mother Tmt.Saraswathy @ Babi

24.Tmt.Suppathal
M/o.Late.Balasubramaniam
(Respondents substituted in
place of deceased R3 as per order
dated 11.12.09 in WPMP.978/09 in
WP.21360/2003)

25.K.Velliangiri (Deceased)

26.K.Kanagasubramaniam (Deceased)
(R25 & R26 substituted as LR's of
R6 as per order dt. 06.04.10)

27.Lakshmi
W/o. Late K.Palanisamy

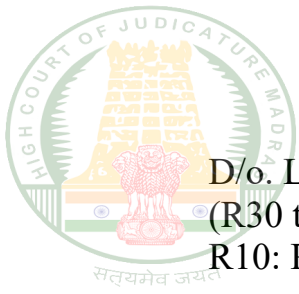
28.D.Selvi
D/o. Late K.Palanisamy

29.G.Suda
D/o. Late K.Palanisamy
(R27 to R29 are LR's of the
deceased R8: K.Palanisamy)

30.A.Angathal
W/o. Late P.N.Arunachalam

31.T.A.Sambath Kumar
S/o. Late P.N.Arunachalam

32.R.Janaki



D/o. Late P.N.Arunachalam
(R30 to R32 are LR's of the deceased
R10: P.N,Arunachalam)

33.Vasanthi

W/o.P.Sakthivel

34.Mithun

S/o.P.Sakthivel

35.Usharani

D/o.P.Sakthivel

(R33 to R35 are LR's of the deceased

R12 : P.Sakthivel)

36.V.Kallamani

W/o.Velliangiri

37.V.K.Ragavi (Minor)

Rep.by her natural guardian/mother

V.Kallamani, D/o.Velliangiri

38.V.K.Pooja (Minor)

Rep.by her natural guardian/mother

V.Kallamani, D/o.Velliangiri

(R36 to R38 are LR's of R25 : Velliangiri)

(R27 to R38 are substituted as LR's of
deceased R8, R10, R12 & R25 as per
order dated 17.01.2017 in

WMP.Nos.10186 & 10187/2017)

39.Govindhammal

W/o.Late Ramasamy

40.Kanchanamala

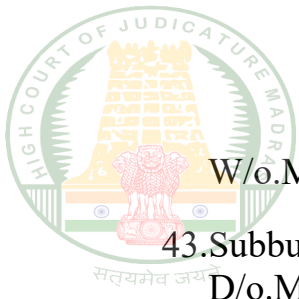
D/o. Late Ramasamy

41.R.Ramesh Kumar

(R39 to R41 are substituted as LR's of
deceased R7 vide order dated 04.12.2025

made in WMP.42414/2024 in WP.21360/2003)

42.Karunathal



W/o.Muthusami

43.Subbulakshmi

D/o.Muthusami

44.M.D.Selvaraj

S/o.Muthusami

45.Somasundaram

S/o Muthusami

(R42 to R45 are substituted as LR's of deceased
R11 vide order dated 04.12.2025 made in
WMP.42414/2024 in WP.21360/2003)

46.Amirtham

D/o.Late Palanisamy

47.Saradhammal

D/o Late Palanisamy

48.P.Ravichandran

S/o.Late Palanisamy

49.P.Selvaraj

S/o. Late Palanisamy

50.P.Sivakumar

S/o. Late Palanisamy

(R46 to R50 are substituted as LR's of deceased
R4 vide order dated 04.12.2025 made in
WMP.53170/2025 in WP.21360/2003)

Respondents

WP No. 24587 of 2003

1. Rasappa Gounder (Deceased)

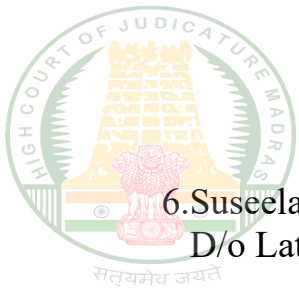
2.V.Palanisamy (Deceased)

3.V.Arumugam

4.G.Kumarasamy (Deceased)

5.Sakunthala

D/o Late Rajappa Gounder



6.Suseela

D/o Late Rajappa Gounder

7.Easwari

D/o Late Rajappa Gounder

8.P.K.Ramasamy (Deceased)

9.K.Palanisamy (Deceased)

10.Ravichandran

S/o Chinnasamy

11.P.N.Arunachalam (Deceased)

12.N.Muthusamy (Deceased)

13.P.Sakthivel (Deceased)

14.Tmt.Saraswathi (a) Baby

W/o Late Balasubramaniam

15.Tmt.Samathaal

W/o Late A.Rasappa Gounder

16.Appasamy

S/o Late A.Rasappa Gounder

17.Thangamuthu

S/o Late A.Rasappa Gounder

18.Poonkodi

D/o Late A.Rasappa Gounder

19.Tmt.Tamilselvi

D/o Late A.Rasappa Gounder

20.Deepika

D/o Late Balasubramaniam

21.Selva Deepan

D/o Late Balasubramaniam

22.Suppathal

W/o Late Palanichamy



(Petitioners impleaded as
per order dated 04.12.2009 in
WPMP.974/09 in WP.24587/03)

WEB COPY 23.K.Velliangiri (Deceased)

24.K.Kanagasubramaniam
(P23 & P24 are substituted as LR's of
deceased P4 as per order dated
06.04.2010 in WPMP.228/10 in
WP.24587/03)

25.Lakshmi
W/o. Late K.Palanisamy

26.D.Selvi
D/o. Late K.Palanisamy

27.G.Suda
D/o. Late K.Palanisamy
(P25 to P27 are LR's of deceased
P9:K.Palanisamy)

28.A.Angathal
W/o. Late P.N.Arunachalam

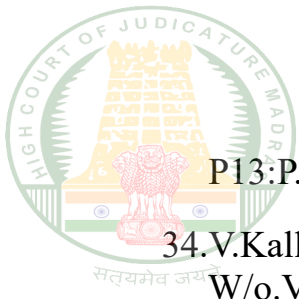
29.T.A.Sambath Kumar
S/o. Late P.N.Arunachalam

30.R. Janaki
D/o. Late P.N.Arunachalam
(P28 to P30 are LR's of deceased
P11:P.N.Arunachalam)

31.Vasanthi
W/o.P.Sakthivel

32.Mithun
S/o.P.Sakthivel

33.Usharani
D/o.P.Sakthivel
(P31 to P33 are LR's of deceased)



P13:P.Sakthivel)

34.V.Kallamani

W/o.Velliangiri

35.V.K.Ragavi (Minor)

Rep. by her natural guardian mother

V.Kallamani

36.V.K.Pooja (Minor)

Rep.by her natural guardian mother

V.Kallamani

(P34 to P36 are LR's of P23)

(P25 to P36 are substituted as LR's of
deceased P9, P11, P13 and P23 vide
order dated 17.04.2017 in

WMPs.10186 & 10187/2017 in

WPs.21360, 24587/2003)

37.Govindhammal

W/o.P.K.Ramasamy

38.Kanchanamala

D/o.P.K.Ramasamy

39.R.Ramesh Kumar

S/o.P.K.Ramasamy

(P37 to P39 are substituted as LR's
of deceased P8 dated 04.12.2025

made in WMP.42421/2024 in

WP.24587/2003)

40.Karunathal

W/o.N.Muthusami

41.Subbulakshmi

D/o.N.Muthusami

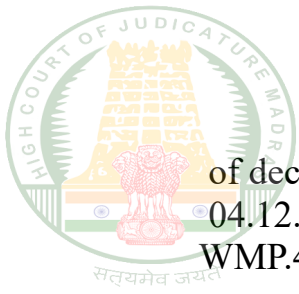
42.M.D.Selvaraj

S/o.N.Muthusami

43.Somasundaram

S/o. Muthusami

(P40 to P43 are substituted as LR's



of deceased P12 vide order dated
04.12.2025 made in
WMP.42421/2024 in WP.24587/2003)

WEB COPY 44.Amirtham

D/o. Late Palanisamy

45.Saradhammal

D/o.Late Palanisamy

46.P.Ravichandran

S/o Late Palanisamy

47.P.Selvaraj

S/o Late Palanisamy

48.P.Sivakumar

S/o Late Palanisamy

(P44 to P48 are substituted as LR

of deceased P2 vide order dated

04.12.2025 made in

WMP.53151/2025 in WP.24587/2003)

Petitioners

Vs

1. The District Collector

Coimbatore District

2.The Tahsildar

Tirupur

3.The Assistant Commissioner

Hindu Religious and Charitable

Endowments Department

Coimbatore

4.Sri Mandiragiri Velayuthasamy

Temple rep.by Fit Person

Nallur Village, Palladam Taluk

Coimbatore District

(R4 impleaded as per order of Court

dated 19.11.2003 in WPMP.36888/2003

in WP.24587/2003)

Respondents



Memorandum of Grounds of Special Tribunal Appeal No.1 of 2007 is filed under Section 30 of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 against the judgment and decree dated 18.11.2002 made in C.M.A.No.30 of 2001 on the file of the Minor Inams Tribunal (Principal Subordinate Judge), Coimbatore, reversing the order dated 21.08.1968 made in S.R.No.644/1968/MI Act/Palladam Taluk on the file of the Settlement Tahsildar No.II, Gobichettipalayam.

W.P.No.21360 of 2003 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records of the first respondent with reference to the order dated 18.03.2003 made in S.R.No.6 of 2002, Act 30 of 1963 and quash the same.

W.P.No.24587 of 2003 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent herein in Na.Ka.No.33447/03-A2 dated 25.07.2003 and the Memo in Na.Ka.177/03/A3 dated 08.08.2003 of the second respondent herein in respect of S.Nos.232/2 and 234/2 of Nallur Village, Tiruppur Taluk and quash the same and direct the second respondent herein to issue the chitta in respect of the land of an extent of 9.98 acres in S.No.232/2 and 11.82 acres in S.No.234/2 of Nallur Village, Tiruppur Taluk, Coimbatore District in favour of the petitioners herein.

For Appellant in Mr.K.Ashok Kumar
STA No.1 of 2007 :

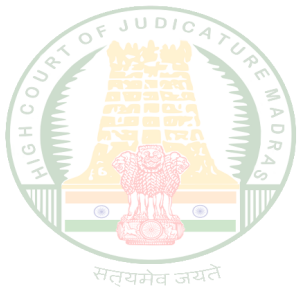
For Petitioner in Ms.G.Sumitra for
WP No.21360 of 2003 : Mr.R.T.Doraisamy

For Petitioners 3, 5 to 7, Mr.P.Valliappan
10, 14, 20 to 36 in Senior Counsel for
WP No.24587 of 2003 : Mr.M.C.Govindan

For Petitioners 15 to 19 in Mr.M.Sachin Vijay
WP No.24587 of 2003 :

For Petitioners 37 to 48 in Mr.V.Raghavachari
WP No.24587 of 2003 : Senior Counsel for
Mr.S.N.Ravichandran

Petitioners 1, 2, 4, 8, 9, Died (steps taken)
11, 12 & 13 in
WP No.24587 of 2003 :



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For Respondents 2,7,15 to Mr.P.Valliappan
17, 23 to 26, 30 to 42 in Senior Counsel for
STA No.1 of 2007: Mr.M.C.Govindan

For Respondent 13 in Mr.M.Hemanth Kumar
STA No.1 of 2007 : Government Counsel

For Respondents 18 to 22 Mr.M.Sachin Vijay
in STA No.1 of 2007 :

For Respondents 43 to 54 Mr.V.Raghavachari
in STA No.1 of 2007 : Senior Counsel for
Mr.S.N.Ravichandran

Respondent 14 in STA No appearance
No.1 of 2007 :

Respondents 1,3,4,5,6,8,9, Died (steps taken)
10,11,12,27,28,29 in STA
No.1 of 2007

For Respondent 1 in WP Mr.M.Hemanth Kumar
No.21360 of 2003 : Government Counsel

Respondent 2 in WP Court
No.21360 of 2003 :

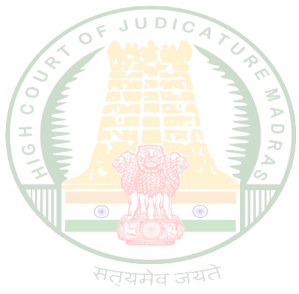
For Respondents 5, 9, 13 Mr.P.Valliappan
to 15 and 21 to 24 in Senior Counsel for
WP No.21360 of 2003 : Mr.M.C.Govindan

For Respondents 16 to 20 Mr.M.Sachin Vijay
in WP No.21360 of 2003 :

For Respondents 39 to 50 Mr.V.Ragavachari
in WP No.21360 of 2003 : Senior Counsel for
Mr.S.N.Ravichandran

Respondents 26 to 38 in Not ready in notice
WP No.21360 of 2003 :

Respondents 3,4,6,7,8,10, Died (steps taken)
11,12,25 in WP No.21360
of 2003 :



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STA No. 1 of 2007 & WP
Nos.21360 & 24587 of 2003



For Respondents 1 & 2 in Mr.M.Hemanth Kumar
WP No.24587 of 2003 : Government Counsel

For Respondent 3 in WP Mr.V.Chandra Prabu
No.24587 of 2003 : Government Counsel for
HR & CE

For Respondent 4 in WP Ms.G.Sumitra for
No.24587 of 2003 : Mr.R.T.Doraisamy

COMMON JUDGMENT

P.Velmurugan J.

1.1. S.T.A.No.1 of 2007 has been filed by Arulmighu Mandiragiri Velayuthasamy Temple represented by its Fit Person, Parameswaranpalayam, Nallur Village, Coimbatore District against the judgment and decree passed by the Minor Inams Tribunal (Principal Subordinate Judge), Coimbatore in C.M.A.No.30 of 2001 dated 18.11.2002.

1.2. W.P.No.21360 of 2003 has been filed by Sri Mandiragiri Velayuthasamy Temple represented by the Fit Person cum Executive Officer for issuance of a Writ of Certiorari, calling for the records of the first respondent/Assistant Settlement Officer (South) dated 18.03.2003 made in S.R.No.6 of 2002 (Act 30 of 1963) and quash the same.

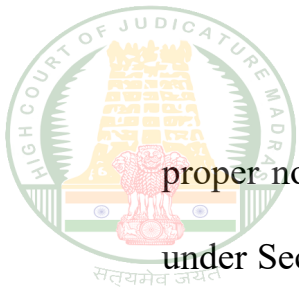
1.3. W.P.No.24587 of 2003 has been filed by the petitioners for issuance of a Writ of Certiorarified Mandamus, calling for the records of the District Collector, Coimbatore District/first respondent herein in Na.Ka.No.33447/03-A2 dated 25.07.2003 and the Memo in Na.Ka.No.177/03/A3 dated 08.08.2003



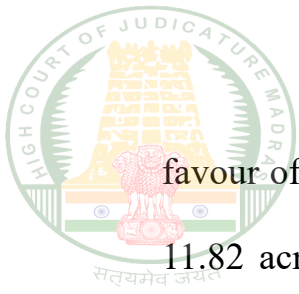
of the second respondent herein in respect of S.Nos.232/2 and 234/2 of Nallur Village, Tiruppur Taluk and quash the same and direct the second respondent herein to issue the chitta in respect of the land to an extent of 9.98 acres in S.No.232/2 and 11.82 acres in S.No.234/2 of Nallur Village, Tiruppur Taluk, Coimbatore District in favour of the petitioners herein.

2. Since the issues raised in the appeal as well as in the writ petitions are inter-connected, they have been tagged together and are being disposed of by this common judgment.

3. S.T.A.No.1 of 2007 and W.P.No.21360 of 2003 have been filed by Arulmighu Mandiragiri Velayuthasamy Temple. For the sake of convenience, the averments made in W.P.No.21360 of 2003 are referred to in this judgment for better understanding of the dispute raised by the parties. The temple in question is situate in S.No.233 located at Parameswarampalayam, Nallur Village, Palladam Taluk, Coimbatore District, which is ancient and an extent of 38.59 acres of dry land in S.Nos.232 and 234 were granted as Devadayam Minor Inam lands and confirmed in T.D.No.1388. After the enactment and coming into force of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, the inam lands were taken over by the Government. While so, the Settlement Tahsildar No.II, Gobichettipalayam, without giving



proper notice, conducted suo motu enquiry and passed an order on 21.08.1968 under Section 11 read with Section 8(2)(i)(b) and 8(2)(ii) entitling the temple to an extent of 16.58 acres in S.No.232 and 11.82 acres in S.No.234 only, instead of granting ryotwari patta for the entire extent of 38.59 acres in favour of the temple, and thereby granting patta in favour of the claimants so far as the remaining extent of 5.57 acres in S.No.232 and 4.62 acres in S.No.234, relying upon the sale deeds executed 12 years before the 1st day of April 1960 for arriving at his conclusion. Aggrieved thereby, the claimants filed C.M.A.No.66 of 1970 before the Inams Tribunal, which came be dismissed on 10.12.1971. However, suppressing the same and after a long delay of 31 years, the claimants filed C.M.A.No.30 of 2001 before the Inams Tribunal on the ground that they were not given sufficient opportunity to explain their case with documents, even though they participated in the enquiry before the Settlement Tahsildar and no order was served on them, and on coming to know of the order, they applied for the same on 25.09.2001 and received the same on 04.10.2001 and immediately filed the appeal in time. The Inams Tribunal, without going into the merits of the case and holding that the appeal has been filed within time, remanded the matter to the file of the Assistant Settlement Officer (South) for fresh enquiry by the judgment and decree dated 18.11.2002. Pursuant to the order of remand, the Assistant Settlement Officer (South) issued notice to the appellants and respondents therein and passed the order dated 18.03.2003 granting patta in



favour of the claimants in respect of an extent of 16.58 acres in S.No.232/2 and 11.82 acres in S.No.234/2 on payment of 20 times the difference of fair rent determined by the Tahsildar, Tiruppur, without serving any notice on the fit person of the temple, who came to be appointed on 04.06.1996 after the temple was taken over by the H.R. & C.E Department during 1990 itself, but serving notice to one Rajendran as if he is the poojari of the temple who is no way connected with the temple. Since the claimants already filed the appeal in C.M.A.No.66 of 1970 against the order dated 21.08.1968 passed by the Settlement Tahsildar, Gobichettipalayam, which came to be dismissed on 10.12.1971, the filing of the subsequent C.M.A.No.30 of 2001 challenging the very same order dated 21.08.1968 after a period of 31 years is clearly hit by the principles of res judicata and hence the subsequent order passed by the Assistant Settlement Officer (South) dated 18.03.2003 is not valid in the eye of law.

4. The case of the petitioners/claimants in W.P.No.24587 of 2003 is that the petitioners herein are all the legal representatives claiming under Kuppanna Gounder, son of Velappa Gounder, who had purchased the property which is the subject matter of the present writ petition under a deed of registered sale in Document No.1050 of 1891 dated 04.03.1891 and the petitioners herein are the joint pattadars and have common and joint interest in the property in S.No.232/2 to an extent of 9.98 acres and S.No.234/2 to an extent of 11.82 acres in Nallur



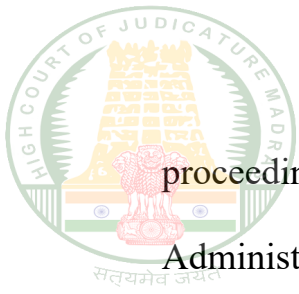
Village, Tiruppur Taluk, Coimbatore District. The lands in S.No.232/2 and 234/2 to an extent of 16.58 acres and 11.82 acres respectively in Nallur Village,

Tiruppur Village, Coimbatore District, were purchased by the aforesaid Kuppanna Gounder for valuable consideration under a registered sale deed dated 04.03.1891 in Document No.1050 of 1891 and ever since the date of purchase, he was in continuous possession and enjoyment of the same and after his death, his legal representatives have been in possession and enjoyment of the same without any let or hindrance by any other person. In S.No.233 of the said village, a temple called Arulmighu Manthiragiri Velayudhaswami Temple has been in existence. The poojas in the said temple were being taken care of by the family of the petitioners. However, there has been no right created in favour of the said temple in respect of the lands in S.Nos 232/2 and 234/2 referred to above. However, though the entire village of Nallur was taken over under the provisions of Tamil Nadu Minor Inams Abolition Act 30 of 1963, ryotwari patta was not granted in favour of the petitioners and by proceedings in SR.No.66-4/68/MI Act/Palladam Taluk dated 21.08.1968, patta was granted under Section 11 read with Section 8(2)(i)(b) & 8(2)(ii) of the said Act in favour of the temple under Schedule B of the said Act. The same was not within their knowledge or their predecessors. After the petitioners came to know of the said proceedings, they preferred a statutory appeal in C.M.A.No.30 of 2001 on the file of the Principal Subordinate Court, Coimbatore. After the said appeal was allowed by



the learned Subordinate Judge by judgment dated 18.11.2002 and the matter was remanded to the Assistant Settlement Officer, Chennai for fresh

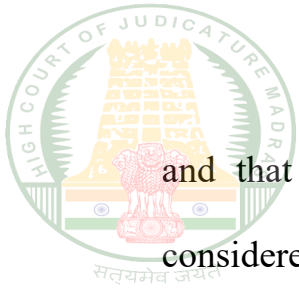
consideration in accordance with law, the Assistant Settlement Officer issued notice of hearing to all the parties concerned and on being satisfied with the claim of the petitioners herein in respect of S.Nos.232/2 and 234/2 in respect of an extent of 9.98 acres and 11.82 acres respectively, the Assistant Settlement Officer by order in S.No.6 of 2002 Act 30 of 1963, Tiruppur Taluk, dated 18.03.2003 directed grant of ryotwari patta under Section 8(2)(i)(b) of Act 30 of 1963 on collection of necessary charges as prescribed under the said Act. Pursuant to the aforesaid order, the District Revenue Officer, Coimbatore under the proceedings in LM.20827/03-E2 dated 24.04.2003 directed the second respondent herein to grant patta in favour of the petitioners pursuant to the order of the Assistant Settlement Officer referred to above. The second respondent herein under his proceedings in Na.Ka.177/03/A3 dated 29.05.2003 directed the petitioners herein to remit a sum of Rs.7,29,800/- towards the amount directed to be levied under the order dated 18.03.2003 of the Assistant Settlement Officer and the Village Administrative Officer was directed by the second respondent herein to collect the said amount and submit the challan. The petitioners herein remitted the said sum of Rs.7,29,800/- in the Treasury at Tiruppur on 30.06.2003 and submitted the challan to the second respondent herein and pursuant to the same, the second respondent herein under



proceedings in Na.Ka.6177/03-A3 dated 30.06.2003 directed the Village Administrative Officer to register the names of the petitioners herein as joint pattadars in respect of S.Nos.232/2 & 234/2 and submit a report to him.

Pursuant thereto, necessary changes in the revenue records were also carried out and the patta passbook was also issued on 30.06.2003, bearing patta No.485.

Subsequently, on 5.08.2003, the petitioners applied to the second respondent herein for grant of chitta in respect of the lands in S.Nos.232/2 and 234/2 in favour of the petitioners. However, the second respondent herein under his Memo No.177/03/A3 dated 08.08.2003 stated that since the subject lands were standing in the name of Arulmighu Manthiragiri Velayudhaswami Temple, only after the final adjudication of the appeal said to have been filed, their request could be considered. The petitioners were shocked and surprised to receive such a letter since neither the power of attorney of the petitioners nor the petitioners herein have been put on notice of any appeal filed by the temple or any other person against the order dated 18.03.2003 of the Assistant Settlement Officer. In view of what was stated in the memo dated 08.08.2003, the petitioners came to understand that the first respondent herein had issued proceedings in Na.Ka.No.33447/03/A2 dated 25.07.2003 stating that the third respondent herein had written to the first respondent herein to cancel the patta transfer in favour of the petitioners herein since it was contemplated to file an appeal against the order dated 18.03.2003 of the Assistant Settlement Officer, Chennai



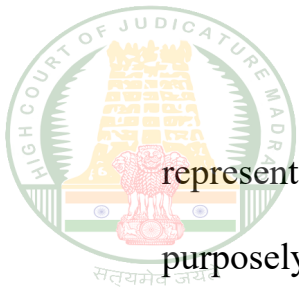
and that the said representation made by the third respondent herein was considered by the first respondent and since the H.R. & C.E Department was contemplating to challenge the proceedings of the Assistant Settlement Officer on appeal, the patta transfer order passed by the second respondent herein on 30.06.2003 was set aside and till final judgment was rendered in the appeal, the position as it stood earlier would continue. The said proceedings dated 25.07.2003 appears to have been communicated only to the second respondent herein, the Village Administrative Officer, the Revenue Inspector and the third respondent herein. No notice has been issued to the petitioners before passing the said order and even a copy of the said order was not communicated to the petitioners and the petitioners have only been able to note down the contents of the said order as typed and produced in the typed set of papers. Therefore, the proceedings of the first respondent herein dated 25.07.2003 and the consequential memo dated 08.08.2003 are arbitrary, illegal, unjust and unsustainable in law and deserve to be quashed.

5. The learned counsel for the appellant/Temple in S.T.A.No.1 of 2007, reiterating the grounds, would submit that the Inams Tribunal erred in allowing the C.M.A.No.30 of 2001 and remanded the case for fresh enquiry to the Settlement Tahsildar, without considering the fact that the respondents/claimants have suppressed the fact that they already filed C.M.A.No.66 of 1970 against



the order dated 21.08.1968 made in S.R.No.664/1968/MI Act 30/63 on the file of the Settlement Tahsildar No.II, Gobichettipalayam, which was dismissed on

10.12.1971 by the same Tribunal and therefore the claimants cannot file the second C.M.A. No.30 of 2001 against the very same order, as it is hit by the principle of res judicata. The Tribunal failed to see that the claimants filed C.M.A. No.30 of 2001 by misrepresenting the Court that they have received the order copy in S.R.No.664 of 1968 dated 21.08.1968 only on 04.10.2001 and filed the appeal within 90 days by suppressing the fact that they have already received the said order copy in 1968 itself and filed C.M.A.No.66 of 1970 on 23.12.1968 itself. The Tribunal erred in holding that the C.M.A.No.30 of 2001 was filed in time and it was not barred by limitation without giving any reasons, when the claimants filed the said C.M.A. after 31 years for the second time. The Tribunal failed to see that the claimants purposely impleaded one Rajendran, who is a total stranger, as the Poosari and representative of the temple, fraudulently and obtained an order behind the back of the temple. The Tribunal failed to see that Arulmighu Mandiragiri Velayuthasamy Temple was taken over by the HR & CE Department during 1990 itself and appointed trustees for the administration of the temple. The present fit person was appointed on 04.06.1996 for the administration of the temple. While such being the position, the claimants filed a false affidavit in I.A.No.99 of 2002 stating that one Rajendran was the representative as well as the Poosari and impleaded him as a

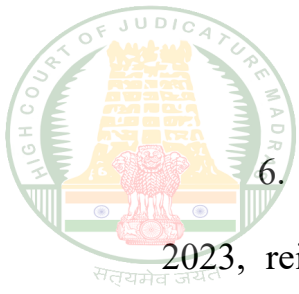


representative of the temple. The Tribunal failed to see that the claimants purposely have given the residential address of C.Rajendran and served the notice to the said address. Therefore, there was absolutely no opportunity given to the temple to represent its defence in the C.M.A.No.30 of 2001. The Tribunal failed to see that the appellants 4, 5 and 6 in C.M.A.No.30 of 2001 are the appellants 4, 6 and 7 in C.M.A.No.66 of 1970 and suppressing the said fact, they again filed the C.M.A.No.30 of 2001, which is not maintainable. Hence, the consequential order dated 18.03.2003 made after remand in SR No.6 of 2002 Act 30/63 on the file of Assistant Settlement Officer (South), Chennai without notice to the temple is against the principles of natural justice. The Tribunal also failed to see that the temple represented by fit person was not impleaded as a party in C.M.A.No.30 of 2001 and no opportunity was given to the temple to defend the case. The learned counsel also relied upon the following judgments in support of his contentions:

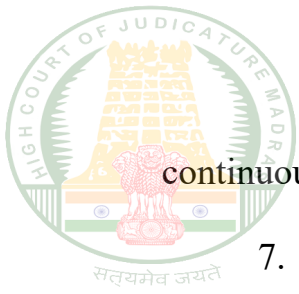
(i) Division Bench judgment of this Court in the case of *The Karivaradaraja Perumal Temple at Pollachi by its Managing Trustee v. K.S.J.Raju Chettiar and other*, 91 L.W. 142

(ii) Judgment of the Hon'ble Supreme Court in the case of *Subramania Gurukkal (Dead) through Muthusubramanis Gurukkal and others v. Shri Patteswaraswami Devasthanam, Perur by its Executive Officer and others*, 1993 Supp (4) SCC 519

(iii) Judgment of the Hon'ble Supreme Court in the case of *A.T.S.Chinnaswami Chettiar and others v. Sri Kari Varadaraja Perumal Temple and another*, 1995 Supp (3) SCC 724



6. The learned counsel for the petitioner/Temple in W.P.No.21360 of 2023, reiterating the grounds, would submit that the orders passed by the Assistant Settlement Officer and the Tribunal against the petitioner temple without impleading the Temple represented by Fit Person Cum Executive Officer is contrary to law, illegal and against the principles of natural justice. The order passed by the Tribunal is hit by law of res judicata, since the claimants already filed C.M.A.No.66 of 1970 against the same order passed in SR.No.664 of 1968 dated 21.08.1968. Therefore, the subsequent order passed by the Assistant Settlement Officer in S.R.No.6 of 2002 Act 30 of 1963 based on the remand order is not valid and liable to be set aside. She would further submit that before holding enquiry under sub-section (1) of Section 11 of Act 30 of 1963, the Assistant Settlement Officer shall give notice in the prescribed manner to the Commissioner, H.R. & C.E if the Inam has been granted for the benefit of a Hindu religious institution. The order of the Tribunal in C.M.A.No.30 of 2001 holding that there is no delay in filing appeal, without considering the fact that there is a delay of 33 years in filing appeal by the claimants, is illegal, arbitrary and in violation of Rules under Act 30 of 1963. The Assistant Settlement Officer went wrong in granting patta in favour of the claimants represented by the third respondent based on the evidence given by one Rajendran, who is totally unconnected person with the petitioner temple. The Tribunal failed to consider the fact that the petitioner Temple is



continuously paying land kist till 14.01.2003 and in possession of the land.

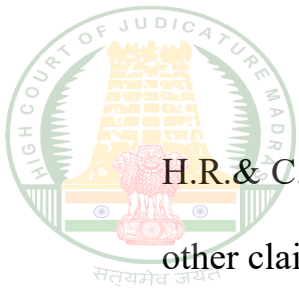
7. On the other hand, the learned Senior Counsels for the petitioners/claimants in W.P.No.24587 of 2003, who are the contesting respondents in the appeal and in the other writ petition, reiterating the grounds, submitted that the first respondent/District Collector failed to see that the second respondent/Assistant Settlement Officer, while doing his duty under the provisions of the Minor Inams Abolition Act 30 of 1963, was discharging his duty as a statutory authority and his orders need not be tinkered by any person other than a statutory appellate authority empowered under the provisions of the said Act and under such circumstances, the impugned order dated 25.07.2003 of the first respondent herein directing restraint on the implementation of the said order in view of contemplation of appeal against the same, is arbitrary, illegal, wholly without jurisdiction and ultra vires of the provisions of Act 30 of 1963. The cancellation of the proceedings of the second respondent herein dated 30.06.2003 by the first respondent is arbitrary, illegal and unjust. The first respondent failed to see that the proceedings dated 30.06.2003 was issued by the second respondent herein in implementation of the order of the Assistant Settlement Officer dated 18.03.2003 and the said order could not be cancelled, set aside or modified without notice to the petitioners herein in whose favour patta has been granted and registered. The order of the first respondent seeks to take away the right vested in the petitioners herein, that too without notice or



opportunity to the petitioners and hence is violative of the principles of natural justice. The first respondent ought to have seen that if at all it will be only open

to the persons who are desirous of challenging the correctness or otherwise of the proceedings dated 18.03.2003 of the Assistant Settlement Officer to challenge the same in a manner known to law, if such remedy is available under law. It would not be open to such persons to make any representation to the first respondent herein or such other authority, who does not have jurisdiction in the matter and the first respondent herein ought to have rejected the representation, if any, that has been made by the third respondent herein in this regard. Therefore, the impugned proceedings of the first respondent and the consequential proceedings dated 08.08.2003 of the second respondent refusing to issue chitta extract in the name of the petitioners herein is arbitrary, illegal, wholly without jurisdiction and unjust and violative of Articles 14 and 300-A of the Constitution of India. The learned Senior Counsels also relied upon a judgment of the Division Bench of this Court in the case of *Arulmigu Jala Perumal Temple, Kallapalayam represented by its Executive Officer/Fit Person v. Settlement Tahsildar No.II, Gobichettipalayam, now rep.by Assistant Settlement Officer (South), Chennai and another, (2019) 3 CTC 570* in support of their contentions.

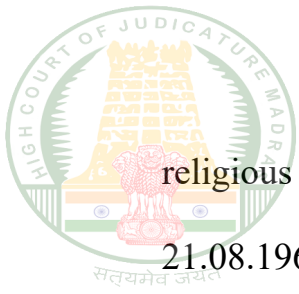
8. We have heard the learned Government Counsels for the State and the



H.R.& C.E Department as well as the learned counsel appearing for some of the other claimants and perused the materials available on record.

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9. This Court is unable to agree with the contentions made by the learned Senior Counsels appearing on behalf of the claimants. It is not in dispute that Arulmighu Mandiragiri Velayuthasamy Temple in S.No.233 is located at Parameswarampalayam, Nallur Village, Palladam Taluk, Coimbatore and though the terms of the original grant are not available, the inam fair register shows that the said temple was the grantee of a minor inam by Krishtaraja Odayar, King of Mysore Territory, comprising an extent of 38.59 acres of dry land in S.Nos.232 and 234, as devadayam religious inam of permanent character given rent-free for the support of the temple so long as it is well kept up, entered in the Jari Chitta of Fasli 1214, as evidenced from the proceedings of the Deputy Collector dated 06.08.1968, which is enclosed in the typed-set of papers filed by the petitioner temple in W.P.No.21360 of 2003. While so, the Settlement Tahsildar No.II, Gobichettipalayam, on the premise that the inam lands were taken over by the Government consequent upon the enactment of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act,1963, conducted a suo motu enquiry under Section 11 of the said Act, without giving notice in the prescribed manner to the Commissioner or any officer appointed by the Department, if the inam has been granted for the benefit of a Hindu



religious institution and confirmed in the title deed No.1388, passed an order on 21.08.1968 granting ryotwari patta to the claimants as shown in Schedule 'A' therein under Section 8(2)(i)(b) in respect of 5.57 acres in S.No.232/1 and 4.62 acres in S.No.234/1 and granting ryotwari patta in favour of the temple as shown in Schedule 'B' therein under Section 8(2)(ii) in respect of 16.58 acres in S.No.232/2 and 11.82 acres in S.No.234/2 only, after sub-dividing S.No.232 measuring 22.15 acres and S.No.234 measuring 16.44 acres totalling to 38.59 acres originally granted to the temple. However, the claimants filed the appeal in C.M.A.No.66 of 1970 before the Minor Inams Tribunal at Coimbatore, which was dismissed by the judgment and decree dated 10.12.1971. Suppressing the same and after a long delay of 31 years, the claimants again filed the C.M.A.No.30 of 2001 before the Inams Tribunal on the ground that no order was served and no opportunity was granted to them. In our considered opinion, the Inams Tribunal has wrongly entertained the appeal, which is clearly barred by limitation and hit by the principles of res judicata, and wrongly remanded the matter to the file of the Assistant Settlement Officer (South) for fresh enquiry by the judgment and decree dated 18.11.2002, by accepting the case of the claimants that they are the legal representatives claiming under Kuppanna Gounder, son of Velappa Gounder, who had purchased the property through the registered sale deed dated 04.03.1891 even in respect of 16.58 acres in S.No.232/2 and 11.82 acres in S.No.234/2 granted in favour of the temple by the



Settlement Tahsildar No.II, Gobichettipalayam vide order dated 21.08.1968. It

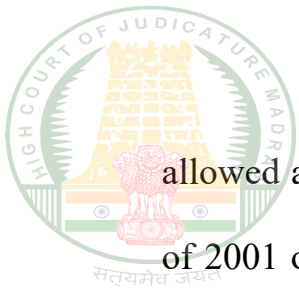
is also to be noted that the claimants, after knowing fully well that the temple has been taken over by the H.R. & C.E Department even in the year 1990 and a Fit Person cum Executive Officer came to be appointed in the year 1996, has not impleaded any of them as party to the proceedings and instead has impleaded the temple represented by its Poojari C.Rajendran, who is no way connected with the temple lands. After remand, the Assistant Settlement Officer (South) also, without serving any notice to the fit person cum executive officer of the temple or the H.R. & C.E Department, has erroneously passed the order dated 18.03.2003 granting ryotwari patta to the claimants, when the temple has been continuously paying the land kist till the year 2003 and being in possession of the land, which is against the principles of natural justice and liable to be set aside. Therefore, when the H.R. & C.E Department was contemplating action to file appeal, the District Collector has rightly passed the order dated 25.07.2003 restraining the implementation of the order dated 18.03.2003 and in this regard, the consequential proceedings dated 08.08.2003 of the Tahsildar refusing to issue chitta to the claimants, cannot be faulted at all.

10. Though the claimants trace their title to the sale deed of the year 1861 under Kuppana Gounder, the said document was not placed before the Settlement Tahsildar at the first instance. Moreover, in this case, the Settlement



Tahsildar has held in the order dated 21.08.1968 that the temple owns both warams. Therefore, in cases where the grantee is of both the warams (melvaram and kudivaram) and is in addition a religious institution, in the absence of the claimants not able to make out that their possession and those of their predecessor-in-title are derived from a transfer of title by the temple by way of sale, the ryotwari patta has got to be granted only to the religious institution and to no other persons. Even the entry in column 10 as permanent lends support to the view that the grant was in favour of the temple. Further, though the Settlement Tahsildar accepted the contention of the claimants that by reason of the sale deeds dated 04.03.1891, 04.10.1919 and 19.09.1921, the claimants are entitled for the ryotwari patta under Section 8(2)(i)(b) on the ground that they were in possession of the lands in question for a continuous period of 12 years immediately before 01.04.1960, this Court finds that the claimants miserably failed to establish that the temple in question (inamdar) has transferred the lands by way of sale and therefore, the mere possession of lands for the said period will be of no avail, more particularly, when the Settlement Tahsildar has rightly found that the temple was granted a devadayam religious inam of a permanent character consisting of both warams.

11. In the light of the above discussions and conclusions, both the S.T.A.No.1 of 2007 and W.P.No.21360 of 2003 filed by the temple stand

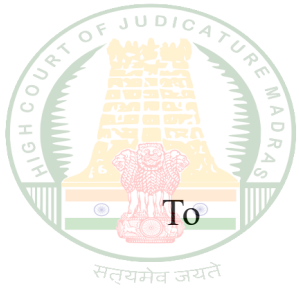


allowed and the judgment and decree dated 18.11.2002 passed in C.M.A.No.30 of 2001 on the file of the Minor Inams Tribunal (Principal Subordinate Judge), Coimbatore as well as the order passed by the Assistant Settlement Officer (South), Chennai dated 18.03.2003 made in S.R.No.6 of 2002 respectively, are set aside. In view thereof, W.P.No.24587 of 2003 filed by the claimants stands dismissed. There shall be no order as to costs.

(P.VELMURUGAN J.) (K.GOVINDARAJAN THILAKAVADI J.)
16-07-2026

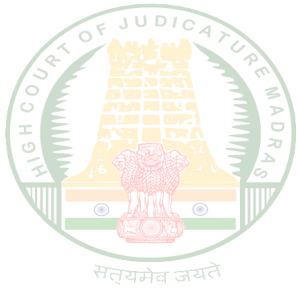
Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

ss



To

1. The Minor Inams Tribunal
(Principal Subordinate Judge)
Coimbatore
2. The District Collector
Coimbatore District
3. The Settlement Tahsildar No.II
Gobichettipalayam
Now rep.by The Assistant Settlement Officer (South)
and Addl. Personal Asst. to Director of Survey and
Settlement, Chepauk, Chennai 600 005
Tirupur
4. The Assistant Commissioner
Hindu Religious and Charitable
Endowments Department
Coimbatore
5. The Tahsildar
Tirupur
6. Fit Person cum Executive Officer
Sri Mandiragiri Velayuthasamy Temple
Nallur Village, Palladam Taluk
Coimbatore District



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STA No. 1 of 2007 & WP
Nos.21360 & 24587 of 2003



**P.VELMURUGAN J.
AND
K.GOVINDARAJAN
THILAKAVADI J.**

SS

**Common Judgment in
STA No. 1 of 2007 and
WP Nos.21360 & 24587
of 2003**

16-07-2026