



WEB COPY

STA No. 1 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

AND

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

STA No. 1 of 2026

Palanisamy (Died),

1.K.P.Sivakumar

2.S. Santhi

[*cause title accepted vide Court order
dated 18.03.2026 made in C.M.P.No.931/20
in STA.Sr.No.204441 if 2025 (SMSJ & KSJ)]

..Petitioner(s)

Vs

1. The Assistant Settlement Officer (South)
Chennai - 600 005

2. Sri Arulmighu Choleeswarar Temple
Vellakovil,
Rep by the Executive Officer,
Veerakumarasamy Temple,
Vellakovil,
Tiruppur District.

..Respondent(s)

Prayer: This Appeal is filed under Section 30(i) of the Tamil Nadu Minor Inams Abolition and Conversion into Ryotwari) Act, 1963, Act X of 1963, praying to allow the above STA by setting aside the order dated 09.09.2025 passed in CMA No.03/2014, on the file of the Court of Minor Inams Appellate Tribunal (Subordinate Judge) Tiruppur and thus render justice.



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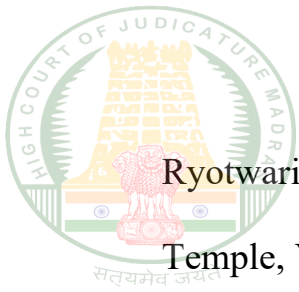
For Petitioner(s): Mr. K. Govi Ganesan

For Respondent(s): Mr. R.Bharanidharan for R2

Judgment**(Judgment of the Court was delivered by K.Govindarajan Thilakavadi J.)**

This Appeal has been filed praying to allow the above STA by setting aside the order dated 09.09.2025 passed in CMA No.03/2014, on the file of the Court of Minor Inams Appellate Tribunal (Subordinate Judge) Tiruppur.

2.It is the case of the appellant that the deceased Appellant Palanisamy and the present appellant K.P.Sivakumar were entitled to properties in S.F.No.1440 & 1445 ancestrally for a long period and they have partitioned the property as per the final decree passed in O.S.No.252 of 1970 on the file of District Munsif, Dharapuram in which S.F.No.1440 land was allotted to the deceased Palanisamy and S.F.No.1445 land was allotted to the appellant K.P.Sivakumar as per family partition dated 15.07.1977. The appellants were in possession and enjoyment of the properties for more than 12 years immediately before 01.04.1960 by cultivating the lands. Hence, they are entitled for Ryotwari patta has provided under Section 8 (2)(i) (b) and 9 of the Act. While so, the settlement Officer without proper notice and enquiry granted



Ryotwari patta in favour of the 2nd respondent, Shri Arulmigu Choleeswarar Temple, Vellakovil. Against which the appellants preferred an appeal before the Inam Tribunal, Tiruppur in C.M.A.No.3 of 2014. The Inam Tribunal dismissed the appeal filed by the appellants, by holding that the properties in S.F.No.1440 and 1445 belongs to the temple Devadayam in T.D.No.2489.

3. Aggrieved by this, the present appeal is preferred.

4. Mr. Govi Ganesan, the learned counsel for the appellant would submit that the inam Tribunal failed to see that the settlement Tahsildar Erode without issuing any notice and without conducting any enquiry with the appellants had erroneously issued patta in the name of the temple vide proceedings dated 12.02.1971. The settlement Officer and the Tribunal failed to see that the properties are ancestral properties of the appellants and even before the proceedings dated 12.02.1971, a compromise decree came to be passed on 29.04.1970 in O.S.No.252/1970 on the file of District Munsif Court, Dharapuram. His further contention is that the appellants were in possession and enjoyment of the properties hereditarily 12 years immediately before 01.04.1960 and were personally cultivating the same and therefore, they are entitled to Ryotwari patta as per Section 8(2)(i)(b) and 9 of the Minor Inams (Abolition and Conciliation) Act, 1963. He would further submit that both Melwaram and Kudivaram vested with the appellants and therefore, the 2nd



respondent Temple is not entitled to patta. Hence, prayed for setting aside the order passed by the Inam Tribunal.

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5. Contending Contra, Mr. Bharanidharan, the learned counsel appearing for the 2nd respondent invited our attention to Section 8 (2)(i) and 44 of the Act. According to the learned counsel, there is nothing on record to show that the temple has legally parted with the title of the land, the original owner. According to the learned counsel, Section 44 of the Act is attracted and presumption that follows is that the grant in favour of the temple was both varams / Iruvaram.

6. Before considering the rival submissions, it will be useful to refer to some of the relevant provisions of the Act. The Act was enacted as per Preamble "to provide for the acquisition of the rights of inamdars in minor inams in the State of Tamil Nadu and for the introduction of ryotwari settlement in such inams". Section 3(a) explicitly declares inter alia that as and from the appointed day, the provisions of the Act alone shall be applicable to the minor inams and that any other existing law on the subject shall be deemed to have been repealed. Section 3(c) declares that all rights created by the inamdar in or over his inam before the appointed day shall cease and determine as against the Government.

Sections 3(g), 8(1) and (2) and Section 44 read as follows:



"3. (g) any rights and privileges which may have accrued in the minor inam to any person before the appointed day against the inamdar shall cease and determine and shall not be enforceable against the Government or against the inamdar, and every such person shall be entitled only to such rights and privileges as are recognised or conferred on him, by or under this Act.

8. (1) Subject to the provisions of sub-section (2), every person who is lawfully entitled to the kudivaran in an inam land immediately before the appointed day whether such person is an inamdar or not shall, with effect on and from the appointed day. be entitled to ryotwari patta in respect of that land.

(2) Notwithstanding anything contained in sub-section (1), in the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), and in the Tamil Nadu Transferred Territory Incorporated and Unincorporated Devaswoms Act, 1959 (Tamil Nadu Act 30 of 1959), the following provisions shall apply in the case of lands in an iruvaram minor inam granted for the support or maintenance of a religious institution or for the performance of charity or service connected therewith or of any other religious charity -

(i) where the land has been transferred by way of sale and the transferee or his heir, assignee, legal representative or person deriving rights through him had been in exclusive possession of such land

(a) for a continuous period of sixty years immediately before the 1st day of April, 1960, such person shall, with effect on and from the appointed day, be entitled to a ryotwari patta in respect of that land;

(b) for a continuous period of twelve years immediately



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before the 1st day of April, 1960, such person shall, with effect on and from the appointed day, be entitled to a ryotwari patta if he pays as consideration to the Government in such manner and in such number of instalments as may be prescribed an amount equal to twenty times the difference between the fair rent in respect of such land determined in accordance with the provisions contained in the Schedule and the land revenue on such land;

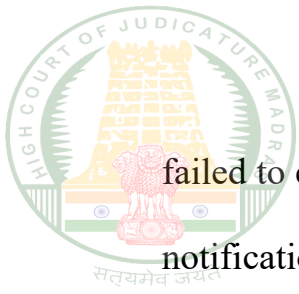
(ii) in the case of any other land, the institution or the individual rendering service shall, with effect on and from the appointed day, be entitled to a ryotwari patta in respect of that land.

Explanation. For the purposes of this sub-section, 'land revenue' means the ryotwari assessment including the additional assessment, water-cess and additional water-cess.

44. In proceedings under this Act relating to any inam granted for the benefit of any religious, educational or charitable institution or granted to any individual for rendering service to a religious, educational or charitable institution or for the purpose of rendering any other service it shall be presumed unless the contrary is proved that the inam consists not merely of a grant of the melvaram in the land but also the kudivaram therein."

With this background, let us now proceed to consider the case before us.

7. On perusal of records, it is seen that the subject properties are located at Vellakovil Village and the inam fair register shows that, land in SF.No.1445 & 1440 belongs to the temple Devadayam in T.D.No.2489. Since the appellants



failed to establish their possession over the said property even before the date of notification prior to 60 years or 12 years prior to the date of notifications, granted patta in favour of the temple. The patta was granted by the settlement Officer only after due enquiry, after giving Form 5 and Form 6 notices to the appellants. Therefore, there is no infirmity in the order of settlement Tahsildar. Hence, the Inam Tribunal has rightly dismissed the appeal filed by the appellants. No infirmity or perversity found in the order of the Inam Tribunal which warrants any interference by this Court.

8.In the result, this Special Tribunal Appeal stands dismissed. No costs.

(P.V.,J.) (K.G.T.,J.)
02-07-2026

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

VSN

To

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