

W.P(MD)No. 17041 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on: 22.06.2026

Pronounce on: 07.07.2026

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

W.P.(MD)NO.6202 and 6208 of 2026

AND

WMP(MD) No. 5210,5211,5212,5216,5217,5219,5222 of 2026

WP.(MD) NO. 6202 of 2026

Arulmigu Jayamkonda Choleeswarar
Soundranayagi Amman Temple,
Rep. By its Hereditary Trustee,
M.Arunachalam Chettiar
S/o.Muthuraman Chettiar,
Nemam Village, Kundrakudi Post,
Sivagangai District.

...Petitioner

Vs

- 1.The District Collector,
Collector Office Campus,
Sivagangai.
- 2.The District Revenue Officer/Additional District Magistrate,
Sivagangai District.
- 3.The Tashildar,
Thirupattur Taluk,
Sivagangai.
- 4.Pandiyammal
- 5.Perumal
- 6.Vaidhyalingam
- 7.Anjappan
- 8.Karuppiah



W.P(MD)No. 17041 of 2026

9.Silathan

सत्यम् 10.Kuppiah

...Respondent(s)

WEB COPY

For Petitioner(s): Mr.R.M.Arun Swaminathan

For Respondent(s): Mr.S.Siva Thilakar,
Counsel for State of Tamil Nadu-For
R-1 to R-3

No appearance – for R4 to R10

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order in Na.Ka.C3/29211/2023 dated 28.02.2025 passed by the second respondent and consequently, directing the second respondent to hear afresh and mutate the patta based on the application dated 21.09.2023 in the name of Jeyankonda Choleeswara Swamy Devasthanam and pass order within time stipulated by this court.

WP.(MD) NO. 6208 of 2026

Arulmigu Jayamkonda Choleeswarar Soundranayagi Amman Temple,
Rep. By its Hereditary Trustee, M.Arunachalam Chettiar
S/o.Muthuraman Chettiar, Nemam Village, Kundrakudi Post,
Sivagangai District. ...Petitioner

Vs

1.The District Collector,
Collector Office Campus,
Sivagangai.

2.The District Revenue Officer/Additional District Magistrate,
Sivagangai District.



W.P(MD)No. 17041 of 2026

3.The Tashildar,
Thirupattur Taluk,
Sivagangai.

4.Kasthuri.

5.S.Solaimalai

6.S.Bose

7.S.Rathinam

8.Muthu Servai

9.Chandran

10.Arumugam

11.Uma

12.Kumar

13.Selvam

14.P.Meiyathal

...Respondent(s)

For Petitioner(s): Mr.R.M.Arun Swaminathan

For Respondent(s): Mr.S.Siva Thilakar,
Counsel for State of Tamil Nadu –
For R-1 to R-3

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order in Na.Ka.C3/34103/2023 dated 28.08.2025 passed by the second respondent and consequently, directing the second respondent to hear afresh and mutute the patta based on the application dated 29.11.2023 in the name of Jeyankonda Choleeswara Swamy Devasthanam and pass order within time stipulated by this court.



W.P(MD)No. 17041 of 2026

COMMON ORDER

WEB COPY

Both the writ petitions were filed regarding Jeyankonda Choleeswara Swamy Devasthanam, hence both were taken up for hearing and common order is passed.

2.(i) The W.P.(MD)No.6202 of 2026 and W.P.(MD)No.6208 of 2026 has been filed for the issuance of a Certiorarified Mandamus, to quash the impugned order in Na.Ka.C3/29211/2023 dated 28.02.2025 and Na.Ka.C3/34103/2023 dated 28.08.2025 passed by the second respondent and consequently, directing the second respondent to hear afresh and mutate the patta based on the application dated 21.09.2023 and 29.11.2023 in the name of Jeyankonda Choleeswara Swamy Devasthanam and pass order within time stipulated by this court.

2.(ii). The brief facts of the case are that the petitioner is the Trustee of the Temple Arulmigu Jayamkonda Choleeswarar Soundranayagi Amman which is a public religious institution governed under the provisions of the TN HR & CE Act, 1959, bearing ITMS No. TN036999. The presiding deity Arulmigu Jayakonda Choleeswarar, is a juristic person recognized under law. The temple is situated near Kundrakudi and is historically renowned, particularly for Bhairavar worship. The temple is believed to have been originally constructed by King Soundara Pandiya around 714 B.C. and subsequently renovated by the



W.P(MD)No. 17041 of 2026

Nagarathars belonging to Nemam Village. Several sub-temples are attached to the main temple namely Jayamkonda Vinayagar, Veilukandha Vinayagar, Alagapuri Vinayagar, Sevugaperumal Ayyanar, Azhagiya Nachiamman etc. The subject lands were purchased under a registered Sale Deed dated 11.06.1889 and 28.06.1889 in Doc. No. 1133/1889 on the file of the Sub-Registrar, Thiruppattur, which clearly describes the four boundaries and evidences absolute vesting of the property in the Deity. The purchase was made by twelve Nagarathars from the Zamindari of Ilayathangudi and Kalapattu in favour of the presiding deity. The temple has initiated steps for demarcation and sought correlation certificate from the Survey Department.

2.(iii). During the settlement proceedings under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948, patta was issued in favour of the temple in “T.D.977, Jeyankonda Choleeswara Swamy Devasthanam”. Certain lands were also reflected in the name of "Thiruvilakku Manibam" and in the names of its sub-temples. The Settlement Register printed on 30.10.1980 clearly reflects the temple's name as landholder. Thus, as on 30.10.1980, the temple lands stood recorded in statutory settlement records in the name of the temple Devasthanam. However, during the UDR proceedings, the correlated survey numbers were mutated in the names of private individuals without issuing any notice to the temple or its trustees. Aggrieved over the same and in order to



W.P(MD)No. 17041 of 2026

protect and retrieve the temple properties, the petitioner submitted a representation dated 29.11.2023 before the second respondent seeking cancellation of pattas standing in the names of individuals and restoration of patta in the name of the temple. The second respondent, by proceedings in Na.Ka.C3/29211/2023 dated 28.02.2025 and Na.Ka.C3/34103/2023 dated 28.08.2025, mechanically rejected the application stating that he has no power to reopen the confirmed settlement proceedings. Hence, the writ petition.

3. The District Revenue Officer had filed counter affidavit wherein it is stated that the writ petition is misconceived and trying to unsettle revenue entries and statutory patta proceedings which had attained finality several decades ago under the special enactments governing estate and Inam abolition. The relief involves adjudication of disputed questions of facts and disputed title, ownership, occupancy rights, settlement proceedings, historical grants, service tenure, correlation of old & ne survey numbers and the legal effect of ryotwari pattas granted under the statutory schemes, hence the effective alternative remedy is to approach Civil Court. After receipt of the petitioner's representation dated 28.02.2025, the respondents have conducted enquiry after issuing notices to parties, obtained statements from the interested parties, Village Administrative Officers and concerned pattadars. In the enquiry the respondents perused the Village A register and other village accounts which was produced by VAO and



W.P(MD)No. 17041 of 2026

perused the Settlement Registers, Adangal records, UDR records and other connected records. The VAO reported that certain survey fields had historically stood recorded in the names of the temple institutions, but subsequently several sub divisions came to be reflected in the names of private individuals through settlement proceedings, inheritance, lawful transfers and patta mutation proceedings conducted over a considerable period of time. The present occupants and pattadars have been in possession and enjoyment of the lands for several generations and many claim hereditary cultivation and occupation rights over the respective lands. Several pattadars appeared and submitted detailed objections stating that their ancestors and predecessors-in-interest had been in continuous possession, enjoyment and cultivation of the lands for more than three or five generations and the temple was never in physical possession or enjoyment during their life time and pattas standing in their names had been lawfully recognized under statutory proceedings. The Neman Group Village had been taken over by the government under the provisions of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act 1948 and that various lands within the village had thereafter become subject to statutory proceedings under the relevant abolition enactments. All pre-existing proprietary interests become subject to the provisions of the respective enactments. The settlement authorities were empowered to determine the persons entitled to ryotwari pattas and to recognize lawful cultivation and occupancy rights existing as on the notified dates. Records



W.P(MD)No. 17041 of 2026

examined during enquiry disclosed that pattas had been granted to eligible occupants and cultivators under the statutory settlement process and that such pattas continued to stand in their names for several decades without challenge before the competent authorities. The petitioner has not challenged by filing appeal or revision or restoration application and hence the pattas attained finality. The records reveal that Tasdik amounts had been sanctioned and paid to the temple along with additional compensation in respect of the lands taken over under the statutory scheme. The registered sale deed dated 11.06.1889 does not automatically entitle the petitioner to cancellation of pattas, the legal effect of pre-abolition title documents ought to be examined in the context of subsequent statutory enactments. The allegation that no notice was issued to the temple is bald allegations without evidence and the same is disputed question of fact. The present petition is filed after lapse of several decades. Further the claim of service inam ought to be proved by the petitioner. The order passed in Suo Motu W.P.No. 574 of 2015 cannot be relied on when the patta was granted to the individuals under statutory proceedings. The District Revenue Officer has no statutory power or jurisdiction to reopen the concluded settlement proceedings under Act 1948 and Act 1963. The impugned proceedings were passed after comprehensive examination of all the records, objections submitted by the pattadars, statements of revenue officials and relevant statutory provisions. Hence the respondent prayed to dismiss the writ petition.



W.P(MD)No. 17041 of 2026

4. Heard Mr.R.M.Arun Swaminathan the learned counsel appearing for the petitioner and Mr.S.Siva Thilakar, the learned counsel for State of Tamil Nadu appearing for the respondents 1 to 3 and perused the records.

5. After hearing the rival submissions this Court had given its anxious consideration. It is an admitted fact that under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948, patta was issued in favour of the temple in “T.D.977, Jeyankonda Choleeswara Swamy Devasthanam”. Both the petitioner and the respondents have produced the same Settlement Register to the said effect.

6. When the temple was granted patta under “T.D. 977” which is “Title Deed of the temple”, then the respondents are not having any right or power to grant patta to any individuals. In other words, when the temple is having title deed, then the respondents cannot treat the said land an Inam land and grant patta to any individuals.

7. Further it is seen that only under Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 the petitioner’s temple land were taken by the government and subjected to the provisions of the said Act. The contention of the petitioner temple is that the respondents without issuing notice to the



W.P(MD)No. 17041 of 2026

petitioner temple had passed an order stating the temple lands are Inam lands and granted pattas to the individual. But the respondents submitted that notice was issued to the temple and also stated that the petitioner temple has not produced any evidence to prove the same. This Court is of the considered opinion that the petitioner temple cannot be asked to prove the negative. But the respondent ought to prove that notice was issued to the petitioner temple by producing the records, but the respondents failed to do so. Therefore, this Court is of the considered opinion that the respondents had passed an order without issuing notice and the same is violative of principles of natural justice.

8. The respondents submitted that the petitioner temple was granted compensation and also Tasdik amounts and produced the proceedings dated 26.02.1991. On perusing the same it is seen that the respondents had quantified only Tasdik amount that too for one year only. The Tasdik is payable for every fasali years. There is no record to show that the same was paid every fasali year. On the other hand, the petitioner temple submitted that the temple has not received any amount. The respondents had produced the proceedings quantified the said amount but had not produced any evidence to show that the payment was received by the petitioner temple.

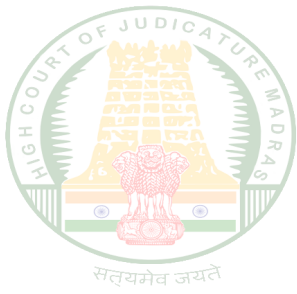


9. The petitioner temple submitted that the temple lands would not come within the purview of the Inam Abolition Act since the said properties were purchased by twelve Nagarathars from the Zamindari of Ilayathangudi and Kalapattu in favour of the presiding deity under a registered Sale Deed dated 11.06.1889 and 28.06.1889 in Doc. No. 1133/1889 on the file of the Sub-Registrar, Thiruppattur. The respondents submitted that the registered sale deed does not automatically entitle the petitioner to cancellation of pattas and the legal effect of pre-abolition title documents ought to be examined in the context of subsequent statutory enactments.

10. The Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act 1948 and Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act 1963 were enacted to cover lands which were previously granted tax-free by rulers or governments to individuals or institutions. Under the Act word “estate” is defined as a “Zamindari or under-tenure or inam estate”. The definition of word “Inam estate” and “under-tenure estate” is referred from section 3(2)(d) and section 3(2)(e) of Estates Land Act, 1908 wherein it is defined as under:

Section 3: "Estate" means –

- (a) any permanently settled estate or temporarily settled zamindari;
- (b) any portion of such permanently-settled estate or temporarily-settled zamindari which is separately registered in the office of the Collector;
- (c) any unsettled palaiyam or jagir.



WEB COPY



W.P(MD)No. 17041 of 2026

(d)[any inam village of which the grant has been made, confirmed or recognized by the [***] Government, notwithstanding that subsequent to the grant, the village has been partitioned among the grantees or the successors in title of the grantee or grantees.]

[***] - *[Substituted by section 2(i) of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIIU of 1936).]*

Explanation (1). - Where a grant as an inam is expressed to be of a named village, the area which forms the subject-matter of the grant shall be deemed to be an estate notwithstanding that it did not include certain lands in the village of that name which have already been granted on service or other tenure or been reserved for communal purposes.

Explanation (2) - Where an inam village is resumed by the Government, it shall cease to be an estate; but, if any village so resumed is subsequently regranted by the Government as an inam, it shall from the date of such re-grant, be regarded as an estate.

Explanation (3) - Where a portion of an inam village is resumed by the Government, such portion shall cease to be part of the estate, but the rest of the village shall be deemed to be an inam village for the purposes of this sub-clause. If the portion so resumed or any part thereof is subsequently regranted by the Government as an inam, such portion or part shall, from the date of such re-grant, be regarded as forming part of the inam village for the purposes of this sub-clause;

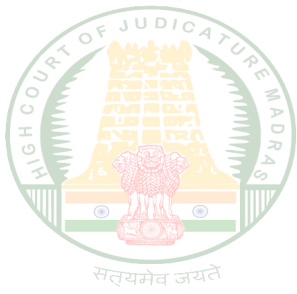
[Old Explanations 1 and 2 were renumbered as Explanations 2 and 3 respectively and Explanation 1 was inserted by section 2(1) of the Madras Estates Land (Amendment) Act, 1945 (Madras Act II of 1945), re-enacted permanently by section 2 of, and the First Schedule to, the Madras Re-enacting (No. II) Act, 1948 (Madras Act VIII of 1948). This amendment shall be deemed to have had effect as from the date on which the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936), came into force.]

(e)any portion consisting of one or more villages of any of the estates specified above in clauses (a), (b) and (c) which is held on a permanent under-tenure.

The word “Zamindari estate” is defined as

16. Zamindari estate means -

(i) an estate within the meaning of section 3, clause (2) (a), of the Estates Land Act, after excluding therefrom every portion which is itself an state under section 3, clause (2) (b) or (2) (e), of that A& or



WEB COPY



W.P(MD)No. 17041 of 2026

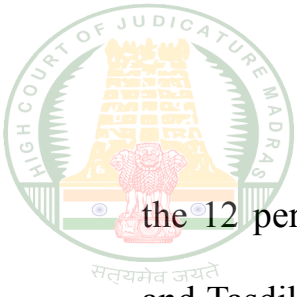
(ii) an estate within the meaning of section 3, clause (2) (b) or 2 (c), of the Estates Land Act, after excluding therefrom every portion which is itself an estate under section 3, clause (2) (e), of that Act.

11. The word “New Inam land” stated in Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act 1963 typically refers to the re-grant, regularization, or conversion of historical Inam lands into modern *Ryotwari* (private ownership) patta tenure. The said Act, 1963 is only updating the policies to deal with the inam lands.

12. Based on the above definition, the inam lands generally fall under three main types i.e.,

1. Personal Inam: Lands granted to individuals for personal maintenance or historical reasons.
2. Religious & Charitable Inam: Properties assigned to maintain places of worship or support philanthropic / educational activities.
3. Service Inam: Lands granted in exchange for administrative, military or village utility service.

In the present case, the half of Nemam Village land was purchased by 12 individuals for the temple. It is not the tax-free land given by the rulers or government. Hence the same cannot be considered as tax free lands granted by the rulers or government, consequently the present land would not come under the purview of both the Acts. Infact the word “New Inam estate”, also is not applicable to the petitioner temple, since the property in dispute is purchased by



W.P(MD)No. 17041 of 2026

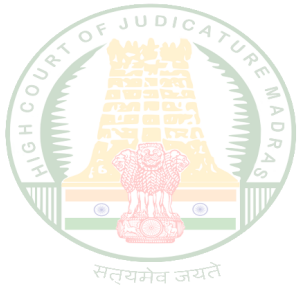
the 12 persons. Therefore, the alleged proceedings of payment of compensation and Tasdik payment etc. are passed without any jurisdiction. And the patta issued to individuals also becomes illegal.

13. For the reasons stated supra, the impugned order dated 28.02.2025 passed by the second respondent is hereby set aside and the case is remitted back to the second respondent to hear the case afresh based on the above observations and pass order in the petitioner's application dated 21.09.2023 for mutating patta in the name of Jeyankonda Choleeswara Swamy Devasthanam. The said exercise shall be completed within a period of four months from the date of receipt of the copy of the order.

14. With the above observations, the writ petition is allowed with a direction. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

07.07.2026

KSA

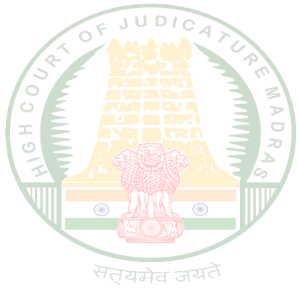


W.P(MD)No. 17041 of 2026

WEB COPY

To

- 1.The District Collector,
Collector Office Campus, Sivagangai.
- 2.The District Revenue Officer/Additional District Magistrate,
Sivagangai District.
- 3.The Tashildar, Thirupattur Taluk, Sivagangai.



WEB COPY



W.P(MD)No. 17041 of 2026

S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)NoS.6202 and 6208 of 2026**

DATED : 07.07.2026