



C.M.P.(MD)No.9270 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.08.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE M.D.SUMATHI**

**C.M.P.(MD)No.9270 of 2026
in
A.S.(MD)No.SR34935 of 2026**

D.Muthuvel Kumar

... Petitioner

Vs.

- 1.The Executive Officer,
Arulmigu Kadhali Narasinga Perumal Kovil,
Ammayanaickanoor Post,
Nilakottai Taluk,
Dindigul District.
- 2.T.Ramanujam
- 3.R.Thiruvengadam
- 4.P.Kottaisamy
- 5.The Commissioner,
Hindu Religious and Charitable Endowment Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.
- 6.The Secretary to Government,
Government of Tamil Nadu,



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Commercial Taxes, Registration and
Religious Endowment Department,
Chennai – 9.

... Respondents

*(R5 & R6 are suo motu impleaded vide order dated
17.08.2026 in C.M.P.(MD)No.9270 of 2026 in
A.S.(MD)No.SR34935 of 2026 by GRSJ & MDSJ).*

Prayer in C.M.P.(MD)No.9270 of 2026 : Miscellaneous Petition is filed Under Section 5 of the Limitation Act, to condone the delay of 4110 days in filing the first appeal in A.S.(MD)No.SR34935 of 2026.

Prayer in A.S.(MD)No.SR34935 of 2026: Appeal Suit is filed under Section 96 of the Civil Procedure Code, to set aside the judgment and decree dated 17.10.2014 made in O.S.No.24 of 2012 on the file of the Additional District and Sessions Court, Dindigul.

For Appellant : Mr.T.Lajapathy Roy, Senior Counsel,
M/s.Roy and Roy Associates.

For Respondents : Mr.H.Lakshmi Shankar for R1
Mr.P.Periyar Vendhan for R2 & R3
Mr.M.S.Parthiban,
Government Advocate for R5 & R6.

ORDER

(Judgment of the Court was delivered by G.R.Swaminathan, J.)

The third defendant in O.S.No.24 of 2012 on the file of Additional District and Sessions Court, Dindigul is the appellant before us. The



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impugned judgment and decree was passed as early as on 17.10.2014.

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2.The suit property measures an extent of 1 acre and 26 cents. It is comprised in Survey No.296/7D, Malaigoundanpatti Village. The property was endowed in favour of the plaintiff/temple. During settlement proceedings, patta was granted in favour of one Nathamuni Ayya under Section 8(2)(2) r/w. Sections 8(5) and 21 of Tamil Nadu Act 30 of 1963. That it is a service inam is beyond dispute. As per Section 41(1) of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959, service inam lands cannot be sold and if such a sale is made, it shall be null and void. The District Collector is given the power to resume the inam, if the inam holder had breached the statutory mandate under Section 41(2) of the Act. We had a doubt if when Section 41 of the HR & CE Act provides for a remedy, a civil suit can be maintained.



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3.The learned counsel appearing for the temple pointed out that where there is no dispute about the character of the service inam, then remedy can be straight availed under Section 41(2) of the Act. He pointed out that in the instant case, the contesting defendant had questioned the very title of the temple. Therefore, there was nothing wrong in the temple having taken recourse to the common law remedy of filing a civil suit under Section 9 of Civil Procedure Code. We are satisfied with the explanation given by the learned counsel appearing for the temple.

4.The learned Senior Counsel for the petitioner pointed out that under Section 21(2) of the Tamil Nadu Act 30 of 1963, unless the temple substantiates that the service is not being performed, the question of resumption will not arise. We reject this contention. The temple has the right to seek resumption of the inam land not only when the service is not performed but also when the land is unlawfully alienated. Section 21 of Tamil Nadu Act 30 of 1963 makes it clear that the amount determined under Section 21(3)(i)(a) has to be paid within the time stipulated. Once the said time-line has expired, the inam holder can only have physical



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possession and occupation of the land. In this case, the original inam holder did not pay the said amount within time. As per the Explanation, the term “service holder” will only include his heirs and not any subsequent purchaser or alienee. Explanation 1 to Section 6(17) makes it clear that a service inam shall not be deemed to be a personal gift to the service holder but shall be deemed to be a religious endowment. We are more than satisfied that the Court below rightly declared the title of the temple and also decreed recovery of possession. We have no hesitation in confirming the judgment and decree passed by the Court below.

5.However, the peculiar facts of this case deserve to be taken note of. While we have declared the law, the remaining part of this order will be on balancing the equities. It is made clear that relief is given to the petitioner considering the special circumstance of this case. The petitioner had purchased the suit property from the inam holder on 06.05.2009. If the registration department itself had made it clear that they would not permit the registration of the transaction, probably the petitioner herein would have stayed away. After the purchase, the petitioner/appellant had subsequently developed a portion of the



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property. He has set up a sports academy and some useful economic activities are presently going on. It is also conceded by the petitioner that 26 cents of land on which the sports activities are presently being conducted are abutting the road and that they can very easily be carved out. He undertakes to surrender physical possession of the remaining one acre of property to the temple by 18.08.2026 itself. The title of the earmarked 26 cents of land also vests with the temple only. The petitioner/appellant undertakes to deposit a sum of Rs.10,00,000/- in favour of the temple in the account to be mentioned by the Executive Officer within a period of four weeks from the date of receipt of a copy of this order. The said amount will be invested in a nationalized bank. The accrued interest can be withdrawn by the temple management once in six months. It shall be exclusively used for performing the thiruvilakku charity for which the land was endowed. As regards 26 cents of land that are going to be in the occupation of the petitioner/appellant, the rent shall be fixed by the Fair Rent Committee. The liability to pay fair rent by the petitioner/appellant will commence with effect from 01.10.2026. The Fair Rent Committee will fix the ground rent alone since the superstructure was put up only by the



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petitioner. It is, however, made clear that the petitioner cannot have any claim over the superstructure also. The 26 cents of land will have to be a single contiguous block.

6.This civil miscellaneous petition is disposed of accordingly. No costs. Consequently, A.S.(MD)No.SR34935 of 2026 is also disposed of at the SR stage itself.

(G.R.S. J.,) & (M.D.S. J.,)
17.08.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias
To:

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- 2.The Commissioner,
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(2/2)