



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.SATHYANARAYANAN**
and
THE HONOURABLE MRS.JUSTICE **R.HEMALATHA**

W.A. (MD) No.147 of 2011

1.S.Murthy
2.S.Somu

.. Appellants/Respondents

Vs.

1. The Tahsildar,
Srirangam,
Trichy District.

2. The Executive Officer,
Sriranganathaswamy Devasthanam,
Srirangam,
Trichy District.

.. Respondents/Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act, to set aside the order dated 20.10.2010 made in W.P(MD) No.2583 of 2008 and allow this Writ Appeal.

Prayer in WP(MD). 2583/ 2008 :

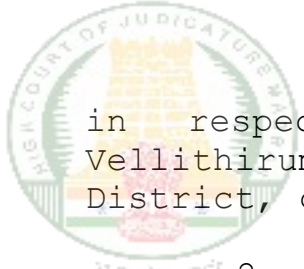
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in his proceedings Na.ka.No. a2.4071/2007 dated 11/01/2008 and quash the same consequently direct the 1st respondent to issue ryotwari patta in favour of petitioners

For Appellants	: Mr.R.Manickavel
For R-1	: Mr.A.K.Baskarapandian, Special Government Pleader
For R-2	: Mr.K.Govindaraj

JUDGMENT

[Judgment of the Court was delivered by **M.SATHYANARAYANAN, J.**]

The appellants are the Writ Petitioners and they made a challenge to the order of the first respondent dated 11.01.2008 in and by which, their request for transfer of patta in their names



in respect of Survey Nos.2216 and 2217, Block No.58, Vellithirumutham Village, Srirangam Taluk, Tiruchirappallai District, came to be rejected.

2. The said Writ Petition after contest, came to be dismissed, vide impugned order dated 20.10.2010 and challenging the legality of the same, the appellants/Writ Petitioners came forward to file this Writ Appeal.

3. It is the claim of the appellants/writ petitioners that their grandfathers were the holder/owner of the buildings situated in Door Nos.90 and 90-A of Mela Adaiya Velanchal Street, Srirangam, Tiruchirappalli District and their grandfathers along with other owners, claimed ryotwari pattas by producing sale deeds and receipts evidencing the statutory levies. The Settlement Tahsildar-III (SE), Tiruchirappalli, vide proceedings dated 31.03.1969, held that they are eligible for ryotwary pattas under Section 13(2) of the Madras Minor Inams Act, 1963 and aggrieved by the same, the second respondent herein preferred C.M.A.No.291 of 1969 before the Minor Inams Abolition Tribunal (Principal Sub-Court), Tiruchirappalli and it was allowed on 30.03.1976 and as against the same, some private respondents preferred S.T.A.42 of 1980 before this Court and it was allowed on 18.07.1988 by placing reliance upon the common judgment dated 22.06.1988 in S.T.A.Nos.133, 118 and 123 of 1978.

4. The appellants/writ petitioners by placing reliance upon the said judgment, wanted mutation of revenue records and prays for transfer of patta in their names and the same came to be rejected vide impugned order of the Tahsildar, Srirangam Taluk, Tiruchirappalli District, dated 11.01.2008 and making a challenge to the said order, the present Writ Appeal is filed.

5. The learned counsel appearing for the appellants/writ petitioners would submit that though as against the judgment passed in C.M.A.No.291 of 1969, no Special Tribunal Appeal has been preferred and the fact remains that the persons similarly placed had filed S.T.A.No.42 of 1980 and it came to be allowed vide judgment dated 18.07.1988 by placing reliance upon the common judgment dated 22.06.1988 in S.T.A.Nos.133, 118 and 123 of 1978 and as such, the same benefit should be enured in favour of the appellants.

6. Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the first respondent would contend that admittedly, the judgment passed in C.M.A.No.292 of 1969 has reached the finality in favour of the second respondent Temple and in the absence of further challenge, it has become final and as such, the appellants/writ petitioners are not entitled to claim the benefit of the judgment made in S.T.A.No.42 of 1980, dated 18.07.1988.



7. The learned Standing Counsel appearing for the second respondent has drawn the attention of this Court to the counter affidavit of the second respondent filed in the Writ Petition and would submit that the learned Judge has taken note of the fact that C.M.A.No.291 of 1969 filed by the second respondent Temple, before the Tribunal(Principal Sub-Court) Tiruchirappalli, which came to be allowed and admittedly, neither the appellants nor the predecessors in title have made a challenge to the judgment made in C.M.A.No.291 of 1969 and as such, the same has reached the finality and the lands in T.S.Nos.2216 and 2217, for which, the appellants/writ petitioners seek patta, held to be belongs to the second respondent Temple and since the said finding reached the finality, the appellants/writ petitioners are not entitled to claim any right over the said lands and hence, prays for dismissal of the Writ Appeal.

8. This Court has heard the submissions made on either side and perused the materials placed before it.

9. Admittedly, the Civil Miscellaneous Appeal preferred against the order of the Settlement Tahsildar-III (SE), Tiruchirappalli in C.M.A.No.291 of 1969, came to be allowed by the Tribunal/Principal Sub-Court, Tiruchirappalli, in and by which, the lands in question declared to be the land of the second respondent Temple. No doubt, some private respondents, aggrieved by the said judgment passed in the said Civil Miscellaneous Appeal, had filed S.T.A.No.42 of 1980 and it was allowed on 18.07.1988 and admittedly, no challenge has been made either by the predecessors in title or by the appellants herein, to the judgment rendered in C.M.A.No.291 of 1969 by the Principal Subordinate Judge, (Minor Inams Abolition Tribunal), Tiruchirappalli and therefore, the findings rendered therein had become final.

10. It is to be pointed out at this juncture that the judgment rendered in S.T.A.No.42 of 1980, is a judgment in personam and as such, the appellants/writ petitioners are not entitled to claim the benefit of the said judgment and the learned Judge has correctly taken note of the said position and has rightly reached the conclusion to dismiss the Writ Petition.

11. This Court on a careful consideration of the rival submissions made and on appreciation of the materials placed before it, is of the considered view that there is no error apparent or any infirmity in the reasons assigned by the learned Judge for dismissing the Writ Petition and finds no merits in this Writ Appeal.

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12. In the result, the Writ Appeal is dismissed, confirming the order dated 20.10.2010 passed in W.P(MD)No.2583 of 2008.



However, in the circumstances of the case, there shall be no order as to costs.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To:

The Tahsildar,
Srirangam,
Trichy District.

+ 1 cc TO Mr.K.Govindarajan , Advocate in SR No. 56819
+ 1 cc TO The Special Government Pleader in SR No. 57248

pm
AE/SKN RSK/SAR1/04.04.2018/4P/4C

W.A. (MD) No.147 of 2011
20.03.2018