

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on : 16.09.2019

Judgment Delivered on : 24.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

A.S.No.289 of 2011

The Executive Officer,
Arulmighu Mariamman Temple,
Udumalpet,
Coimbatore District.

... Appellant/13th Respondent/Claimant
Vs.

1. The Special Tahsildar,
Adi Dravidar Welfare,
Pollachi.

... Petitioner/Referring Officer

2. Manickam

Subramaniam (died)

3. Shanmugham

Natarajan (died)

4. Kanagaraj

5. Easwaran

6. Gopal

Muthu Pandaram (died)

Mariappa Pandaram (died)

7. Thangavel Pandaram

8. Ganesan

9. The Commissioner,
H.R. & C.E. Department,
Joint Commissioner, H.R. & C.E.,
Coimbatore.

10. Manikandan

11. Maheswari

12. Masilamani

13. Mohankumar

14. Angammal @ Easwari
15. Thiruvvarutchelvan
16. Lingeswaran
17. Uma Maheswari
18. Ramathal
19.Nirmala

: Respondents 1,3,5,6,7 10 to 12 and
14 to 23
: Claimants 1,3,4,5,7, 10 to 12 & 14 to 23

Appeal Suit (First Appeal) filed under Order 41 Rule 1 read with Section 96 of the Civil Procedure Code (CPC) against the order and final order dated 04.02.2011 in L.A.O.P.No.62 of 1998 on the file of the Subordinate Court, Udumalpet.

For appellant : Mr.R.G.Narendhiran
For respondents : Mr.J.Balagopal, Spl.G.P. for R-1
Mr.V.G.Suresh Kumar for M/s.AL.Ganthimathi
for RR-2 to 8 and 10 to 19
Mr.M.Venkadesh Kumar, Govt. Advocate
(H.R. & C.E.) for R-9

JUDGMENT

R.SUBBIAH, J

This Appeal Suit (First Appeal) had been filed by the Executive Officer of Arulmighu Mariamman Temple, Udumalpet, Coimbatore District (hereinafter referred to as 'the Temple'), as against the order and final order dated 04.02.2011 in L.A.O.P.No.62 of 1998 on the file of the Sub-Court, Udumalpet, apportioning the compensation amount awarded under the land acquisition proceedings in the ratio of 25% to the Temple and 75% to the Hereditary Poojaris (for short, 'the Poojaris'), who are the respondents 2 to 8 and 10 to 19 herein.

2. Brief facts for disposal of the appeal, are as follows:

(i) An extent of 22.21 acres of dry land(s) in S.Nos.94 and 98 of Udumalpet Village, were granted to the appellant-Temple under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, (Act No.30 of 1963) (for short, 'the Inams Act'). The Temple was in possession and enjoyment of the said land(s) for several decades. Even the Inam Register Entry made in the year 1936 discloses that the said land(s) belonged to the Temple. Considering the possession and enjoyment of the said land(s) by the Temple, the Settlement Tahsildar granted Ryotwari Patta through his proceedings in SR.No.360/1968/M.I.Act 30/1963/Udumalpet Taluk, dated 25.05.1968 (Ex.R-1) and in the said proceedings, it had been categorically stated that the Kudivaram Rights will vest with the Temple.

(ii) While so, notices dated 01.02.1997 and 20.05.1997 were issued by the Special Tahsildar (Adi Dravidar Welfare), Pollachi, under Section 4(2) of the Tamil Nadu Acquisition of Lands for Harijan Welfare Schemes Act No.31 of 1978 (for short, 'the Act'), proposing to acquire the land(s) for the purpose of providing house-sites to the people belonging to Adi Dravidar Community. The Land Acquisition Officer selected S.No.94 of Udumaplet of an extent of 12 acres and the District Collector also sent the notice to the concerned parties. The enquiry was conducted on 19.02.1997 and 06.06.1997. After completion of the acquisition proceedings, Award was passed on 06.03.1998 in Award No.3/98 granting total compensation at Rs.34,52,843/- including solatium.

(iii) The Hereditary Poojaris of the Temple claimed that they are entitled for the compensation amount. Since there was dispute between the Temple and the Hereditary Poojaris, the Land Acquisition Officer referred the matter to a Civil Court for reference under Sections 10(2) and 11(2) of the said Act 31 of 1978 to the Sub-Court, Udumalpet and the matter was numbered as L.A.O.P.No.62 of 1998. In the said reference before the Court below, the appellant/Temple was shown as 13th respondent.

3. On the side of the appellant/Temple, before the Court below, two witnesses were examined, namely R.W.1 (Administrative Officer of the Temple) and R.W.2 (Village Administrative Officer (VAO)) and Exs.R-1 to R-13 and R-18 were marked. On the side of the other respondents before the Court below, Exs.R-14 to R-17 and R-19 to R-24 were marked. On the side of Hereditary Poojaris, one Manickam, the second respondent herein, was examined as R.W.3. Ex.X-1 series, namely copy of Chitta, Adangal and B-Register extract in the name of the Temple, were marked as witness side document.

4. On a consideration of the oral and documentary evidence, the learned Subordinate Judge came to the conclusion that the Hereditary Poojaris were doing service to the Temple without getting any remuneration and they are in enjoyment of the land (s) in lieu of their service to the Temple, and therefore, they are also entitled for compensation amount, apart from the Temple. Accordingly, the learned Sub-Judge apportioned the compensation for the impugned land acquisition proceedings in the ratio of 25% to the Temple and 75% to the Hereditary Poojaris, by placing reliance on the judgment of the Supreme Court reported in AIR 1996 SC 3347 = 1996 (8) SCC 664 (Mangat RAM Vs. State of Haryana). Aggrieved by the same, the present First Appeal has been filed by the Temple.

5. The learned counsel for the appellant/Temple submitted that originally, by proceedings dated 25.05.1968 (Ex.R-1), the Settlement Tahsildar-I, Gobichettipalayam issued the Ryotwari Patta (having Patta No.5) in favour of the appellant-Temple for the lands comprised in Survey Nos.88 and 94, measuring an extent of 6.22 acres and 15.99 acres respectively. The said lands were granted as 'Maaniyam' to the Temple, in support of which, Ex.R-1 being the order passed by the said Settlement Tahsildar was marked before the Reference Court (Sub-Court, Udumalpet). At the time of issuance of the said Patta, in the remarks Column, it was mentioned that, "represented by Poojaris for the time being", but the Poojaris have not been given any right through the said Patta. While so, the said Temple came under the control of the Tamil Nadu Hindu Religious and Charitable Endowments Department (H.R. & C.E) on 09.09.1972. That being so, on 18.09.1992, without the knowledge of the Executive Officer of the appellant-Temple, the Hereditary Poojaris included their names in the Patta, through the proceedings of the Tahsildar, Udumalpet in M.T.R.No.303/92. Thereafter, in the year 1995, the Hereditary Poojaris attempted to alienate the Temple properties and when this attempt of the Poojaris came to be known, the appellant/Temple immediately filed a suit in O.S.No.369 of 1995 on the file of the Sub-Court, Udumalpet, as against the Hereditary Poojaris, for declaration of title and for recovery of possession. In the said suit, the defendants therein/Hereditary Poojaris remained ex-parte and consequently, the suit was decreed ex-parte, subsequent to which, Execution Petition was filed by the Temple and the possession was taken from the defendants therein/Hereditary Poojaris through Court proceedings, in support of which, Exs.R-8 to 10 were filed before the Reference Court (Sub-Court, Udumalpet).

6. The learned counsel for the appellant/Temple further submitted that, in the meantime, between 01.02.1997 and 20.05.1997, notices were issued to the land owners under Section 4(2) of the said Act 31 of 1978 for acquisition of the land(s) in question and at the time of issuance of these notices under Section 4(2) of the said Act, the suit filed by the Temple in O.S.No.369 of 1995 on the file of the Sub-Court, Udumalpet, as well as the proceedings initiated by the Revenue Divisional Officer (RDO), Pollachi, were pending. Though the said proceedings were pending, the names of the Hereditary Poojaris were available in the Chitta in Udumalpet Village, which resulted in issuance of notices under Section 4(2) of the said Act to the Hereditary Poojaris. The Award was passed by the Land Acquisition Officer on 06.03.1998. In the meantime, the names of the Hereditary Poojaris were deleted from the Patta by the RDO, Pollachi on 31.01.1999. The said suit filed by the Temple was decreed on 31.01.2001 as against the Hereditary Poojaris. Thereafter, after passing the Award, the Hereditary Poojaris

have raised dispute with regard to the apportionment of the amount of compensation by the Land Acquisition Officer. Accordingly, a Form of Reference was made, referring the dispute to the Sub-Court.

7. The learned counsel for the appellant-Temple further contended that apart from impleading their names in the patta, on 18.09.1992, the Hereditary Poojaris created entries in the register of the Tenancy Record Officer, without impleading the Temple in T.R.No.6 of 1992 and the same was cancelled by the Tenancy Record Officer after steps were taken by the appellate-Temple. But the Court below, without considering these aspects, namely that the suit was decreed in favour of the Temple as against the Hereditary Poojaris, and that the names of the Hereditary Poojaris were deleted from the patta and that the tenancy record entries created by the Hereditary Poojaris were also cancelled, rendered an erroneous finding that the Hereditary Poojaris were doing service to the Temple without any remuneration and they are in enjoyment of the land(s) in lieu of their service to the Temple, and as such, they are also entitled to compensation amount and thus, the Sub-Court awarded compensation in the ratio of 75% to the Hereditary Poojaris and 25% to the Temple. Assailing further the said order of the Sub-Court, the learned counsel appearing for the appellant/Temple submitted that the Temple is the absolute owner and is in possession of the property(ies)/land(s). The Temple has only permitted the Hereditary Poojaris to use the land(s) in lieu of their remuneration for the services rendered by them, as Ex.R-1 being the Settlement Tahsildar Proceedings, the Patta was only issued in favour of the Temple and since the Hereditary Poojaris have raised a dispute with regard to their entitlement of compensation amount awarded by the Land Acquisition Officer, immediately, after passing of the Award, the dispute was referred under Form of Reference under Sections 10 and 11(2) of the Tamil Nadu Act 31 of 1978 to the Sub-Court, Udumalpet. The Sub-Court, after completion of trial, has passed the impugned order, dated 04.02.2011 in L.A.O.P.No.62 of 1998, granting compensation to both the appellant/Temple and the Hereditary Poojaris, respectively in the ratio of 25:75 on an erroneous finding that the Hereditary Poojaris were doing service to the Temple without getting any remuneration and they are in enjoyment of the land(s) in lieu of their service to the Temple, and therefore, they are also entitled for compensation amount.

8. The learned counsel for the appellant-Temple also contended that the Reference Court/Sub-Court did not consider the evidentiary value of the documents marked on the side of the appellant/Temple, namely Exs.R-8 to R-10 to show that the names of the Poojaris in the Patta were deleted from the Patta. Further, the Hereditary Poojaris have not produced any document

to show that they are the tenants under the Temple. The learned counsel for the appellant/Temple therefore submitted that the Hereditary Poojaris cannot share any compensation amount from the Temple. In this regard, the learned counsel for the appellant/Temple relied upon a judgment of a Division Bench of this Court in A.S.No.84 of 2017, dated 05.06.2018 (Union of India, represented by Commissioner (HRI), Government of Union Territory of Pondicherry and three others Vs. Manepalli Krishnamurthy and others) and submitted that in a similar situation, the Hereditary Poojaris' claim was rejected by the Division Bench of this Court in the said case and thus, the learned counsel for the appellant/Temple prayed to set aside the impugned order passed by the Reference Court/Sub-Court.

9. Countering the above submissions, the learned counsel appearing for the private respondent Nos.2 to 8 and 10 and 19, submitted that the Temple/13th respondent in the Original Petition, filed a counter statement before the Court below, contending that the land(s) stood in the name of the Temple and that the respondents 1 to 12 therein had no right or title over the properties. However, in the counter statement, the 13th respondent/Temple admitted that the land(s) were in possession of the Hereditary Poojaris as "Service Inam". Therefore, the trial Court, by considering the pleadings and evidence, passed the impugned order directing the apportionment of compensation in the ratio of 25% to the Temple and 75% to the private respondents herein/Hereditary Poojaris. Hence, the same needs no interference by this Court.

10. The learned counsel appearing for the private respondents 2 to 8 and 10 to 19 herein further submitted that till the entry made in Patta No.5 was deleted by the order of the Revenue Divisional Officer (RDO), Pollachi, on 31.01.1999 in Ex.R-2, the Revenue Records stood only in the name of the Hereditary Poojaris as well as in the name of the Temple. The Inam Register extract marked as Ex.R-18, dated 31.12.2010 clearly contains the name of the Hereditary Poojari - Palani Pandaram. Thus, from the Revenue Records also, it is proved that till the acquisition is made, the Revenue Records stood in the name of the Hereditary Poojaris as well as in the name of the Temple. So, the Temple is the owner of the land(s) and the Poojaris were enjoying the property(ies) as tenants in lieu of the service in the Temple. Hence, the learned counsel appearing for the private respondents submitted that the tenants are also interested persons in getting the compensation amount pertaining to the impugned land acquisition proceedings initiated under the Inams Act by the Revenue.

11. The learned counsel appearing for the private respondents 2 to 8 and 10 to 19 also stated that though the names of the Hereditary Poojaris were deleted from the Patta, on a perusal of Ex.R-1 which is the order dated 25.06.1968 passed by the Settlement Tahsildar, Gobichettipalayam, it is clear that the Settlement Tahsildar had recorded the deposition of the then Poojari-Arunachala Pandaram, stating that the land(s) in question are enjoyed by him along with the other Hereditary Poojaris, and hence, the Settlement Tahsildar issued the Ryotwari Patta in respect of the land(s) to the Temple, represented by Poojaris. Thus, it is clear that as per Ex.R-1 being the proceedings before the Settlement Tahsildar, the names of the Hereditary Poojaris were mentioned, which shows that the Poojaris were also in possession of the Temple in lieu of their service rendered by them to the Temple.

12. The learned counsel appearing for the private respondents further stated that the suit filed by the Temple for recovery of possession in O.S.No.369 of 1995, was decreed only on 31.01.2001, which establishes the fact that the Poojaris, namely the private respondents herein, were tenants in occupation of the property(ies) and as a consequence, the Temple filed the said suit for recovery of possession.

13. Further, it is also submitted by the learned counsel appearing for the private respondents herein that it is true that in the Notification issued in the Government Gazette, marked as Ex.R-15 (dated 18.08.1997), the names of the Temple and the Hereditary Poojaris are shown as the owners/persons in occupation. Therefore, the Hereditary Poojaris are also entitled for the compensation amount. In support of his submissions, the learned counsel appearing for the private respondents relied on the following judgments of the Supreme Court:

- (a) 1994 (5) SCC 239 (Inder Parshad Vs. Union of India);
- (b) 1996 (8) SCC 664 = AIR 1996 SC 3347 (Mangat Ram Vs. State of Haryana); and
- (c) 2004 (1) SCC 641 (Brij Behari Sahai (dead) through LRs Vs. State of UP).

14. The learned counsel appearing for the private respondents 2 to 8 and 10 to 19, by inviting the attention of this Court to Section 8(2)(ii) of the Inams Act, also submitted that Ex.R-1 which is the proceedings of the Settlement Tahsildar made under the Inams Act, allowing the grant of Ryotwari Patta, indicates that the Patta had been granted in favour of the Hereditary Poojaris under Section 8(2)(ii) of the said Inams Act. In this regard, he also invited the attention of this Court to the relevant portion of Section 8 of the Inams Act, as follows:

"Grant of ryotwari pattas:

Section 8: (1) Subject to the provisions of sub-section (2), every person who is lawfully entitled to the kudivaram 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) the following provisions shall apply in the case of lands in an iruvaram minor inam granted for the support or maintenance of a religious institutions or for the performance of a charity or service connected therewith or of any other religious charity--

(i)

(a)...

(b)

(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.

....."

15. Relying on the above extracted portion of the said Act, the learned counsel appearing for the private respondents 2 to 8 and 10 to 19 submitted that the individuals rendering service are the Hereditary Poojaris and therefore, Ex.R-1 proceedings having been issued under Section 8(2)(ii) of the said Act, the Ryotwari Patta is deemed to have been also granted to the individuals rendering service, namely the Hereditary Poojaris. That is the reason as to why the names of the Hereditary Poojaris have been entered in Ex.R-1. These private respondents herein were rendering service to the Temple as Hereditary Poojaris without receiving any remuneration and hence, the Temple in its counter statement before the Court below, stated that the disputed lands were in possession of the Hereditary Poojaris as "Service Inam". The learned counsel appearing for the private respondents 2 to 8 and 10 to 19/Hereditary Poojaris further submitted that on the date of issuance of the Notification for acquisition of land(s), the land(s) were under possession of these private respondents in their capacity as Service Inam-holders. Hence, for all the above reasons, the learned counsel appearing for the private respondents 2 to 8 and 10 to 19 herein prayed that these private respondents/Hereditary Poojaris are also entitled for compensation amount as apportioned by the Court below in the impugned order.

16. On the above facts and circumstances of the case, this Court also heard the learned Special Government Pleader appearing for the first respondent/Special Tahsildar and the learned Government Advocate appearing for the ninth respondent/HR & CE.

17. As we have discussed the facts as above, we refrain from detailing with the same hereunder, but only the facts which are germane to the issue, are reiterated below.

18. The only question that has to be decided in this First Appeal (Appeal Suit) is as to whether the private respondents 2 to 8 and 10 to 19 herein/Hereditary Poojaris are also entitled for the compensation amount as awarded in the land acquisition proceedings by the Court below.

19. It is the submission of the learned counsel appearing for the appellant/Temple that as per Ex.R-1 being the Settlement Tahsildar proceedings, dated 25.05.1968, in respect of the property(ies) of the appellant/Temple, the Ryotwari Patta was issued in favour of the Temple, mentioning that the "Kudivarm rights" in the lands vest in the Temple. Therefore, the Hereditary Poojaris have no right, title or interest over the said property(ies)/(land(s)).

20. Per contra, it is the submission of the learned counsel appearing for the private respondents/Hereditary Poojaris that the land(s) were in possession of the Poojaris as "Service Inam". Even in the Settlement Tahsildar proceedings/Ex.R-1 stated above, the names of the then Hereditary Poojaris were entered therein, and therefore, they are entitled for apportionment of the compensation amount as awarded by the Court below.

21. On a careful perusal of the submissions made on either side, it is no doubt true that in the Settlement Tahsildar proceedings, the names of the Hereditary Poojaris have been included as "represented by poojaris for the time being Arunachala Pandaram, Palaniappa Pandaram, Mariappa Pandaram, Thangavelu Pandaram, Mylathal". But their names were entered temporarily to represent the appellant/Temple and individually their names were not included, more so, when the Ryotwari Patta was issued in favour of the appellant/Temple, which is evident from Ex.R-1 Settlement Tahsildar proceedings, mentioning that the "Kudivaram rights" vest in the Temple. Further, in the year 1992, it appears that without the knowledge of the Temple authorities, the Hereditary Poojaris have included their names in the Patta and have also made an attempt to alienate the property(ies)/land(s). Moreover, in the suit filed by the Temple in O.S.No.369 of 1995 on the file of the Sub-Court, Udumalpet,

the defendants/Hereditary Poojaris remained ex-parte. Subsequently, the Execution Proceedings were initiated by the Temple and the possession was also taken from the defendants/Hereditary Poojaris, which is evident from Exs.R-8 to R-10. Further, the names of the Hereditary Poojaris were subsequently deleted from the Patta, which is clear from the proceedings of the RDO, Pollachi, (Ex.R-2) dated 31.01.1999. The Hereditary Poojaris have not produced any relevant document(s) before the Court below to substantiate that they are the tenants under the Temple. But the Court below came to the conclusion that the Hereditary Poojaris are tenants, and hence they are also entitled for the compensation, which is contrary to the pleadings of the Hereditary Poojaris themselves.

22. Further, on a perusal of the Award, dated 06.03.1998 passed by the Land Acquisition Officer/Special Tahsildar, we find that he has recorded as follows regarding classification of land and payment of compensation :

"Classification of the land:

... .. The land covered by this award was inspected by me on 8.1.97. This land is lying waste without cultivation. There are no valuable trees. There are no buildings, structures, ancient monuments of historical archaeological importance and no tombs or memorials of sentimental or religious importance is available in this field. No high tension and low tension electric line passes through this land. Therefore this land is found suitable and convenient for the purpose of housesites to the Adidraavidars.

... ..

Payment of crop compensation:

On the date of inspection there was no crop in the land. The land was lying waste and the question of crop compensation does not arise."

23. Therefore, it is clear that the Hereditary Poojaris, who claim themselves as land owners, were not given the land(s) as "Service Inam" and they were not carrying on any cultivation activities. On the other hand, they have made an attempt to sell the property(ies)/land(s) of the Temple to third parties by clandestinely including their names in the Patta. This was also observed by the Land Acquisition Officer/Special Tahsildar in the Award as follows:

" ... The notice under Section 4(2) in Form 1 (Rule 3(1)) were issued to the land owners in this office Ref.234/97A dt.1.2.97 & 20.5.97 requiring them to show cause as to why the land should not be acquired. The notice was served on the land owners on 1.2.97 and the enquiry was posted to 19.2.97 and was enquired on 6.6.97. The Village Admn. Officer of Udumalpet Village has appeared for enquiry. He has stated that he has no objection to the acquisition of the land for adi dravidars. The other interested persons viz., A.Subramaniyam 1, M.Masilamani 2, A.Kanakaraj 3, A.Easwaran 4, A.Gopal 5, A.Vadivel 6, Ganesh 7 have stated that they have no source of income other than this land and therefor they have made an agreement with a private individual for the disposal of the land. It is evident from their statement that they have decided to do away the property and that they have no objection for the proposed acquisition....."

24. Hence, the apportionment made by the Reference Court (Sub-Court) based on the Award passed by the Land Acquisition Officer, by relying upon the judgment of the Supreme Court reported in 1996 (8) SCC 664 = AIR 1996 SC 3347 (Mangat Ram Vs. State of Haryana), is not correct, as the said decision of the Apex Court is distinguishable on facts and the same is not applicable to the facts of the present case on hand. Further, the Court below had not considered the evidentiary value of Exs.R-1 and R-3 to R-13. The Court below had not considered the oral evidence let in by the appellant/Temple, as also the cross-examination of R.W.3, who was examined on behalf of the Hereditary Poojaris. Hence, on this ground, the impugned order passed by the Reference Court/Sub-Court is not sustainable in law and the same is liable to be set aside. Furthermore, the fact remains that the Hereditary Poojaris are not even doing any cultivating activities.

25. The learned counsel for the Hereditary Poojaris/private respondents herein submitted that grant of Ryotwari Patta under Ex.R1 (Settlement Tahsildar proceedings) will indicate that the Patta had been granted under Section 8(2)(ii) of the Inams Act, which shows that the Ryotwari Patta is deemed to have been granted to the individuals rendering service, namely, the Hereditary Poojaris. But, it is to be noted that Ex.R-1 proceedings of the Settlement Tahsildar shows that Kudivaram rights vest with the Temple, from which it is crystal clear that the Temple is predominantly the absolute owner of the lands/properties in question.

26. Therefore, we are of the opinion that the Hereditary Poojars have no right in the land(s) in question, though they have been rendering service as "Service Inam" in lieu of the remuneration for the service done by them in the Temple, coupled with the fact that they are not cultivating the land(s), and this shows that the Hereditary Poojaris have no right whatsoever in the land(s)/property(ies) in question. In an identical case, in A.S.No.84 of 2017, by judgment dated 05.06.2018 (Union of India, represented by Commissioner (HRI), Govt. of Union Territory of Pondicherry, Pondicherry and three others Vs. Manepalli Krishnamurthy and others), a Division Bench of this Court observed as follows:

"15. We are unable to accept the claim made on behalf of the Archakas, of course, they have been working as Archakas for generations and rendering service to the temple. All that they would be entitled to are the perks that are attached to the office of Archakas. They cannot claim a share in the property of the temple. "

27. The above said judgment of this Court in A.S.No.84 of 2017 is squarely applicable to the facts of the present case. As observed in that case, the Hereditary Poojaris in the present case are only rendering service in lieu of their remuneration and they are "Service Inams" and cannot as a matter of right, claim share in the property(ies)/land(s) of the Temple.

28. In the above view taken by this Court based on the above said judgment of this Court, it is not necessary to delve into the other decisions/citations relied on by the learned counsel for the parties, as the same are distinguishable on facts of this case.

29. For all the foregoing reasons, we are of the view that the apportionment of compensation for the impugned land acquisition proceedings, made by the Reference Court (Sub-Court) by the impugned order, is not sustainable and hence, the same is liable to be set aside.

30. Accordingly, the First Appeal (Appeal Suit) is allowed, setting aside the impugned order passed by the Reference Court/Sub-Court, Udumalpet, in L.A.O.P.No.62 of 1998, and it is hereby declared that the Temple alone is entitled for compensation at 100%, including interest, solatium, etc.

Sd/-
Assistant Registrar(CS-IV)

// True Copy//

Sub Assistant Registrar

CS

To

1. The Subordinate Judge, Udumalpet.
2. The Executive Officer,
Arulmighu Mariamman Temple,
Udumalpet, Coimbatore District.
3. The Special Tahsildar, Adi Dravidar Welfare, Pollachi.
4. The Commissioner,
H.R. & C.E. Department,
Joint Commissioner, H.R. & C.E.,
Coimbatore.
5. The Section Officer,
V.R. Section, High Court, Madras.

+1cc to Ms.AL.Gandhimathi, Advocate, SR.No.89451.
+1cc to Mr.R.G.Narendhiran, Advocate, SR.No.89018.
+1cc to Government Pleader, SR.Nos.90002 & 89288.

Judgment in
A.S.No.289 of 2011

SAI (CO)
CSR(03/01/2020)

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