



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 21.06.2021**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**WEB COPY**

**S.A. (MD)No.656 of 2013**

**and**

**M.P. (MD)Nos.2 and 3 of 2013**

**and**

**C.M.P. (MD)No.3969 of 2021**

**and**

**C.R.P. (NPD) (MD)Nos.1862, 1863, 1864 and 1865 of 2013**

**and**

**M.P. (MD)Nos.2, 2, 2 and 2 of 2013**

**and**

**M.P. (MD)No.3 of 2013**

**in**

**C.R.P (NPD) (MD)No.1862 of 2013**

**S.A. (MD)No.656 of 2013:-**

Komu Thevar

... Appellant/Appellant/Defendant

**Vs.**

Thiruvadudurai Adheenam,  
Rep. through its Adheenathar,  
Sri La Sri Sivaprakasa Pandara Sannadhi,  
Thiruvadudurai,  
Mayiladuthurai Taluk,  
Nagai District.

... Respondent/Respondent/Plaintiff

**Prayer :** Second Appeal filed under Section 100 of Civil Procedure Code, against the judgment and decree in A.S.No.11 of 2011 dated 12.01.2012 on the file of the Sub-Ordinate Court, Ambasamudram, confirming judgment and decree passed in O.S.No.333 of 2005 dated 27.10.2010 on the file of the Principal District Munsif Court, Ambasamudram.

For Appellant : Mr.H.Arumugam

For Respondent : Mr.K.P.Sanjeev Kumar,  
For M/s.Ojas Law Firm

**C.R.P. (NPD) (MD)No.1862 of 2013:-**

Kittu Konar

...Petitioner/Appellant/Defendant

**Vs.**

Thiruvadudurai Adheenam,  
Rep. through its Adheenathar,

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Sri La Sri Sivaprakasa Pandara Sannadhi,  
Thiruvadudurai,  
Mayiladuthurai Taluk,  
Nagai District.

...Respondent/Respondent/Plaintiff

**Prayer :** Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the judgment and decree in A.S.No.14 of 2011 dated 12.01.2012 on the file of the Sub-Ordinate Court, Ambasamudram, confirming judgment and decree passed in O.S.No.330 of 2005 dated 27.10.2010 on the file of the Principal District Munsif Court, Ambasamudram.

For Appellant : Mr.H.Arumugam  
For Respondent : Mr.K.P.Sanjeev Kumar,  
For M/s.Ojas Law Firm

**C.R.P. (NPD) (MD)No.1863 of 2013:-**

Ramaiah Thevar ... Petitioner/Appellant/Defendant  
**Vs.**

Thiruvadudurai Adheenam,  
Rep. through its Adheenathar,  
Sri La Sri Sivaprakasa Pandara Sannadhi,  
Thiruvadudurai,  
Mayiladuthurai Taluk,  
Nagai District.

... Respondent/Respondent/Plaintiff

**Prayer :** Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the judgment and decree in A.S.No.12 of 2011 dated 12.01.2012 on the file of the Sub-Ordinate Court, Ambasamudram, confirming judgment and decree passed in O.S.No.327 of 2005 dated 27.10.2010 on the file of the Principal District Munsif Court, Ambasamudram.

For Appellant : Mr.H.Arumugam  
For Respondent : Mr.K.P.Sanjeev Kumar,  
For M/s.Ojas Law Firm

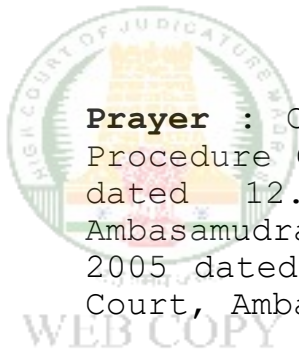
**C.R.P. (NPD) (MD)No.1864 of 2013:-**

Komu Thevar ...Petitioner/Appellant/Defendant

**Vs.**

Thiruvadudurai Adheenam,  
Rep. through its Adheenathar,  
Sri La Sri Sivaprakasa Pandara Sannadhi,  
Thiruvadudurai,  
Mayiladuthurai Taluk,  
Nagai District.

...Respondent/Respondent/Plaintiff



**Prayer :** Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the judgment and decree in A.S.No.8 of 2011 dated 12.01.2012 on the file of the Sub-Ordinate Court, Ambasamudram, confirming judgment and decree passed in O.S.No.334 of 2005 dated 27.10.2010 on the file of the Principal District Munsif Court, Ambasamudram.

For Appellant : Mr.H.Arumugam  
For Respondent : Mr.K.P.Sanjeev Kumar,  
For M/s.Ojas Law Firm

**C.R.P. (NPD) (MD)No.1865 of 2013:-**

Kittu Konar ...Petitioner/Appellant/Defendant  
**Vs.**

Thiruvadudurai Adheenam,  
Rep. through its Adheenathar,  
Sri La Sri Sivaprakasa Pandara Sannadhi,  
Thiruvadudurai,  
Mayiladuthurai Taluk,  
Nagai District.

...Respondent/Respondent/Plaintiff

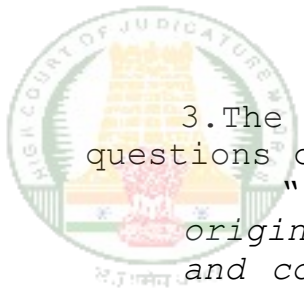
**Prayer :** Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the judgment and decree in A.S.No.7 of 2011 dated 12.01.2012 on the file of the Sub-Ordinate Court, Ambasamudram, confirming judgment and decree passed in O.S.No.328 of 2005 dated 27.10.2010 on the file of the Principal District Munsif Court, Ambasamudram.

For Appellant : Mr.H.Arumugam  
For Respondent : Mr.K.P.Sanjeev Kumar,  
For M/s.Ojas Law Firm

**COMMON JUDGEMENT**

The revision petitioners as well as the appellant in the second appeal challenge the impugned judgments and decrees passed in favour of the respondent/Thiruvadudurai Adheenam.

2.The case of the plaintiff/Adheenam is that the suit properties belong to it and that the defendants are in possession and enjoyment of the same in their capacity as tenants. The defendants have failed to pay the agricultural rent as agreed. In order to recover the rental arrears, these suits have been instituted. The courts below have accepted the case projected by the plaintiff/Adheenam and decreed the suits. One such defendant namely., Komu Thevar filed A.S.No.11 of 2011 before the Sub Court, Ambasamudharam and the same was also dismissed. Challenging the same, S.A.(MD)No.656 of 2013 has been filed.



3.The second appeal was admitted on the following substantial questions of law:-

*"(a) When the entire Sivanthipuram village, originally the Inam Estate of the plaintiff was abolished and converted into Ryotwari and the same was vested with the Government under the provisions of Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963, whether the respondent can maintain the suit for recovery of pattom against the Ryotholders? and*

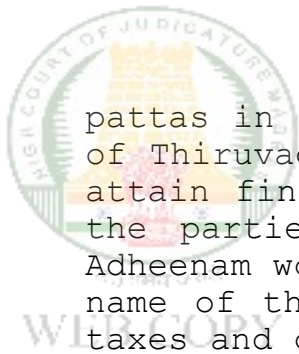
*(b) Whether the courts below are right in giving a finding that the recovery arrears of pattom amount is not hit by Limitation Act by wrongly interpreting Section 109 of Tamil Nadu Hindu Religions and Charitable Endowments Act, 1959 and ignoring that the same is applicable only for recovery of possession?"*

4.Since the suit claim in the other matters was below Rs.25,000/-, second appeal under Section 100 of Civil Procedure Code was not maintainable and therefore, civil revision petitions have been filed under Section 115 of Civil Procedure Code. Since common issues are involved in all these cases, they are being disposed of together by a common judgment.

5.There is no dispute that the suit properties were originally inam estates. The Government of Tamil Nadu issued notification under Tamil Nadu Act No.26 of 1963. The consequences of such notification are spelt out under Section 3 of the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963. As a result, the inam estates came to be vested in the Government free of all encumbrance and the existing relationship of landholder and ryot also stood extinguished. Thereafter, *inter se* rights of the parties would stand governed by the issuance of ryotwari patta under Sections 9 ,10, 11 and 15 of the said Act. There is again no dispute that originally ryotwari patta was issued in favour of Adheenam way back in the year 1980 and that the same was subsequently set aside and the matter was remanded. Following the remand, the Assistant Settlement Officer (South), Chepauk, Chennai, issued ryotwari pattas in favour of the claimants herein on 10.12.2015. The same was challenged by the Adheenam in W.P.Nos.21718 of 2016 etc. batch. The appellant and the revision petitioners herein were also parties to the said writ proceedings. By order dated 26.06.2018, the writ petitions were allowed and the order dated 10.12.2015 was set aside. The matter has been remitted to the file of Assistant Settlement Officer, Chepauk, Chennai. The learned counsel on either side admit that the enquiry proceedings are still pending and that final orders are yet to be passed.

6.The judgments and decrees passed in favour of Thiruvadudurai Adheenam can be sustained only if it can be shown that ryotwari

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pattas in respect of the suit properties have been issued in favour of Thiruvadudurai Adheenam. It is obvious that the issue is yet to attain finality. Ryotwari patta has not been granted to either of the parties. Of course, the learned counsel for Thiruvadudurai Adheenam would point out that the revenue pattas are standing in the name of the Adheenam and that it is the Adheenam, which is paying taxes and other statutory charges to the Government. That may be so but unless ryotwari patta is granted in favour of Thiruvadudurai Adheenam, the appellant/revisions petitioners cannot be construed as tenants under the Adheenam.

7. In this view of the matter, the first substantial question of law framed in the second appeal is answered in favour of the appellant. Therefore, the judgment and decree put to challenge in S.A.(MD)No.656 of 2013 is set aside. For the very same reason, the judgments and decrees impugned in the other civil revision petitions are set aside. The second appeal and the civil revision petitions are allowed and the matters are remitted to the file of the trial court. The trial court will keep the suit proceedings in abeyance. As and when the settlement proceedings before the Assistant Settlement Officer, Chepauk, Chennai, attain finality and final orders are passed, the parties would be at liberty to mark the ryotwari patta and the suits will be disposed of based on the outcome of the settlement proceedings. In other words, if the ryotwari patta is issued in favour of Thiruvadudurai Adheenam, the suit will be decreed. If the ryotwari pattas are issued in favour of the defendants, the suits will be dismissed. The issue of limitation is left open. The direction given in these proceedings will be applicable only to the parties herein. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Sub Judge,  
Ambasamudram.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Principal District Munsif Court,  
Ambasamudram.

**Copy to:**

The Record Keeper, (2c)  
V.R. Section,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.H.ARUMUGAM, Advocate ( SR-19851[F] dated 22/06/2021 )

+1 CC to M/s.A.UTHYA KUMAR, Advocate ( SR-19958[F] dated  
23/06/2021 )

S.A. (MD) No.656 of 2013  
21.06.2021

KMK(CO)  
KB(18.08.2021) 6P 7C