



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Writ Petition No.11344 of 2012

&

M.P.Nos. 1 & 2 of 2012

Sri Piraliyamman Temple
Marchanaickenpalayam
Pollachi Taluk
Coimbatore District
Rep. By Fit Person

... Petitioner

-Vs-

1. The Assistant Settlement Officer (South)
Chepauk, Chennai - 600 005.
2. The Minor Inams Tribunal
(Subordinate Judge)
Pollachi
3. Nachimuthu
4. Annammal
5. Nataraj
6. Palanisamy
7. Moorthy
8. Nataraj
9. Maragatham
10. Kavitha
11. Sagunthala
12. Annapoorani
13. L.Pushpaveni



14. Venkateshwari
15. Vasudevan
16. Vijayalakshmi
17. Sivakami
18. Thailasamy
19. Ganapathiammal
20. Mayakrishnan
21. Vasuki
22. Prabu
23. Santhi
24. Manikandan
25. Kamalakannan
26. Magudeeswari
27. Kosaladevi D/O.Kuppusamy

Respondents 3-27
Represented by V.S.Baba Ramesh,
Power of Attorney Agent,
VPS Pannai, Sethumadai Post,
Pollachi Taluk, Coimbatore District.

28. Assistant Commissioner
HR & CE Department,
Coimbatore-641 018.
29. The Tahsildar,
Pollachi, Coimbatore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records from the 1st Respondent with reference to the order dated 20.02.2012 made in Na.Ka.No.I 2/5710/2011 and quash the same.



WEB COPY

For Petitioner	:	Mr. R.T.Doraisamy
For R-1 & R-29	:	Mr. Senthil Selvi, Government Advocate
For R-3 to R-27	:	Mr. D.Krishna Pradeep for Mr. N.Damodaran
For R-2	:	Tribunal
For R-28	:	No Appearance

O R D E R

Challenging the order of the Assistant Settlement Officer in Na.Ka No.I 2/5710/2011 dated 20.02.2012, a person claiming himself as fit person and Executive Officer has filed the Writ Petition on behalf of the temple.

2. From the reading of the impugned order, it is noted that the HR & CE department was impleaded as a respondent. The Deputy Commissioner of the HR & CE department in his written statement has categorically stated that the petitioner temple does not fall under the control of the HR & CE Department and the land for which the Ryotwari patta was granted was given in support of the petitioner temple as Maniyam. He would further contend that the respondents were not in possession of the land for over 60 years as required under Sec. 8(2)(i) of the Tamil Nadu Minor Inams (Abolition & Conversion into Ryotwari) Act, 1963 and therefore they are not entitled to patta. The Assistant Settlement Officer after recording the statement of Assistant Commissioner of HR & CE Department has invoked Section 8 (2)(ii) and granted Ryotwari patta in favour of the Respondents 3 to 27 on payment of 20 times of the fair rent, in installments or in lump sum.

- A reading of Section 8 of 'Tamil Nadu Minor Inams (Abolition & Conversion into Ryotwari) Act, 1963' clearly spells out that, "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".
- Sub Section 2 of Section 8 specifies that notwithstanding anything contend in HR & CE Act and other Acts, "a person who is holding Iruwaram Minor Inam Lands granted for the support of maintenance of Religious Institutions or for the



WEB COPY

performance of chairty or service can apply for patta subject to conditions".

- Clause 1 of Sub Section 2 specifies that, "in the case the Land was transferred by way of sale, the transferee who proves his possession of such land for a continuous period of 60 years immediately before 1st day of April, 1960, shall be entitled to Ryotwari patta in respect of that land".
- Sub Clause (b) of Clause 1 specifies that, "a person who proves himself to be in possession for a continuous period of 12 years immediately before 1st day of April, 1960, can apply for patta on payment of a prescribed amount equal to 20 times the difference between the fair rent as contained in the Schedule and the Land Revenue due on such land".
- Sub Clause (2) of Sub Section (ii) specifies that, " in case of any other land, the institution or the individual rendering service shall, with effect on and from the appointed day, he is entitled to Ryotwari patta in respect of that land". The word 'any other land' specifies land which is not given to any religious institution for support or maintenance.

4. In the instant case it is clearly stated in the order issued by the Settlement Tahsildar-I, Gobichettipalayam, in his proceedings S.R.No. 446/1968/M.I. Act.30/1963/Pollachi Taluk, dated 27.09.1968, that the land was granted as Maniyam to Peraliamman temple at Marchinaickanpalayam village and the grant was confirmed to the said religious institution. It is further stated the kudivaram right vests in the temple. It is also stated, no portion of the land in question has been set apart for the common use of the villagers.

5. This order clearly grants Ryotwari patta in favour of Peraliamman temple under Section 8(2)(ii) read with Section 11 of Madras Minor Inam (Abolition & Conversion into Ryotwari) Act, 1963. Therefore, the Religious Institution was granted patta under Sub clause (2) of Sub section (2) (8). The Poojaris representing the temple are entitled to maintain the land and support the Temple from the income derived from it. They are not entitled to get Ryotwari patta in their name after paying 20 times of the fair rent. Therefore, the grant of Ryotwari patta in favour of respondents 3 to 27 by the 1st respondent in his order Na.Ka No.I 2/5710/2011 dated 20.02.2012 is not sustainable. Accordingly, the order passed by the Assistant Settlement Officer dated 20.12.2012 is hereby quashed. A direction is given to the 1st respondent to restore the patta in the name of Piralihamman Temple Marchanaickenpalayam, Pollachi Taluk, within a period of 6 weeks from the date of receipt of a copy of this order.



6. The patta shall stand in the name of the religious institution represented by the hereditary poojaris or legal heirs. Nobody has any right to alienate the property in violation of the grant made in the year 1968. Since it is found that the writ petitioner has no locus standi to maintain this writ petition, the writ petition is dismissed with the directions issued above. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Post the matter for reporting compliance on 25.07.2022.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

sha/kpr

To

1. The Assistant Settlement Officer (South)
Chepauk, Chennai - 600 005.
2. The Sub Judge,
The Minor Inams Tribunal
(Subordinate Judge)
Pollachi
3. Assistant Commissioner
HR & CE Department,
Coimbatore-641 018.
4. The Tahsildar,
Pollachi, Coimbatore District.

+1cc to Mr.N.Damodaran, Advocate, S.R.No.24001

+1cc to Mr.R.T.Doraisamy, Advocate, S.R.No.23713

+1cc to the Government Pleader, S.R.No.23852

W.P.No.11344 of 2012
&
M.P.Nos. 1 & 2 of 2012

BR(CO)
SU(25/05/2022)