



W.P.No.8441 of 2018 and W.P.Nos 16378 and 26855 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 22.09.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.8441 of 2018 and W.P.Nos. 16378 and 26855 of 2017 and
W.M.P.Nos.17685, 21942, 28591 and 28592 of 2017

1. Kuppathal

2. S.Murthy

3. N.Sakthivel

4. S.Subbulakshmi

5. N.Subbathal

6. K.N.Balu

7. S.Mageshwari

...Petitioners in W.P.No.8441 of 2018

1. Kuppathal

2. S.Subbulakshmi

3. S.Mageshwari

4. S.Murthy

5. Sundarambal

6. Sivagami

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7. Subbathal

8. Sakthivel

9. K.N.Balu

...Petitioners in W.P.No.16378 of 2017

N.Sakthivel

... Petitioner in W.P.No.26855 of 2017

vs.

1. The District Collector,
Tiruppur District,
Tiruppur.

2. The District Revenue Officer,
Tiruppur District,
Tiruppur.

3. The Tahsildar,
Tiruppur South Taluk,
Tiruppur District,
Tiruppur.

4. The Executive Officer,
Arulmigu Visweswarar Swamy Visalatchi
Amman Subramanyaswamy Temple,
Nallur,
Tirupur – 641 604.

... Respondents in W.P.No.8441 of 2018

1. The Commissioner,
Hindu Religious and Charitable,
Endowments,
Nungambakkam,
Chennai – 34.



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2. The Executive Officer,
Arulmigu Visweswarar Swamy Visalatchi
Amman Subramanyaswamy Temple,
Nallur,
Tirupur – 641 604.

3. The Inspector of Police,
Tirupur Rural Police Station,
Nallur,
Tiruppur District.

...Respondents in W.P.No.16378 of 2017

1. The Commissioner,
Hindu Religious and Charitable,
Endowments,
Nungambakkam,
Chennai – 34.

2. The Executive Officer,
Arulmigu Visweswarar Swamy Visalatchi
Amman Subramanyaswamy Temple,
Nallur,
Tirupur – 641 604.

3. The District Collector,
Tiruppur District,
Tiruppur.

... Respondents in W.P.No.26855 of 2017

W.P.No.8441 of 2018:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd respondent to issue Patta to the petitioners in respect of lands situated in Survey No.143/2, 164/1 and 164/3, Nallur Village, Tiruppur South Taluk, Tirupur District by affording



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opportunity to all concerned.

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W.P.No.16378 of 2017:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents forbearing the second and third respondents from interfering with the petitioners peaceful possession and enjoyment of the property situated in R.S.Nos.164/1 and 164/3, Nallur Village, Tiruppur South Taluk, Tirupur District, without following the due process of law.

W.P.No.26855 of 2017:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records in Na.Ka.No.36/2017, dated 20.09.2017 on the file of the second respondent and quash the same and direct the third respondent to grant patta in favour of the petitioner for the property situated in R.S.Nos.143/2, Nallur Village, Tiruppur South Taluk, Tirupur District.

In W.P.No.8441 of 2018:

For Petitioners	: Mr.D.Selvaraju for Mr.P.Kannan Kumar
For R1 to R3	: Mr.U.Bharanidharan Additional Government Pleader
For R4	: Mr.K.Ashok Kumar



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In W.P.No.16378 of 2017:

For Petitioners : Mr.D.Selvaraju
for Mr.P.Kannan Kumar
For R1 and R3 : Mr.U.Bharanidharan
Additional Government Pleader
For R2 : Mr.K.Ashok Kumar

In W.P.No.26855 of 2017:

For Petitioners : Mr.D.Selvaraju
for Mr.P.Kannan Kumar
For R1 and R3 : Mr.V.Manoharan
Additional Government Pleader
For R2 : Mr.K.Ashok Kumar

COMMON ORDER

Since the issue involved in the present Writ Petitions are one and the same, they are disposed of by way of common order.

2. So far as the Writ Petition in W.P.No.8441 of 2018 is concerned, the petitioners claim that they inherited the properties in Survey Nos.143/2,



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164/1 and 164/3 situated in Nallur Village, Tiruppur District from their ancestors. While that being so, the fourth respondent / Temple interfered with the peaceful possession of the petitioners and the Settlement Tahsildar, Gobichettipalayam vide proceedings dated 07.10.1968 and 24.10.1968 issued Ryotwari Patta in favour of the then Trustee of the fourth respondent and refused to grant Patta in favour of the petitioners. Seeking Patta in respect of the aforesaid properties, the petitioners made a representation dated 06.10.2017, before respondents 1 to 3. Since the same was not considered by respondents 1 to 3, the petitioners have come up with the present Writ Petition seeking the aforesaid relief.

3. So far as the Writ Petition in W.P.No.16378 of 2017 is concerned the petitioners inherited the properties in R.S.Nos.164/1 and 164/3 situated in Nallur Village, Tiruppur District from their ancestors. Prior to the petitioner's possession, the second respondent / Temple claimed Patta with the Settlement Tahsildar No.II, Gobichettipalayam, who in turn passed an order dated 07.10.1968 and 24.10.1968, granting Ryotwari Patta in favour the then Trustee of the second respondent Temple. Aggrieved over the said



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act, the petitioners ancestors preferred appeals in C.M.A.Nos.48, 50 and 51 of 1987 before the Principal Subordinate Court cum Minor Inam Abolition Tribunal, Coimbatore and the same was allowed vide judgments dated 22.10.1991 respectively in favour of the petitioners ancestors. While that being so, the second and third respondents, gave hindrance to the petitioners possession and the petitioners have also made a representation dated 03.01.2017 before the third respondent to forbear the second and third respondents not to interfere with the petitioners possession. Since the same was not considered by the third respondent the petitioners have come up with the present Writ Petition.

4. So far as the Writ Petition in W.P.No.26855 of 2017 is concerned, the petitioner claims that he inherited the properties in R.S.Nos.143/2, Nallur Village, Tirupur District from their ancestors. Prior to the petitioner's possession, the second respondent / Temple claimed Patta with the Settlement Tahsildar No.II, Gobichettipalayam, who in turn passed an order dated 07.10.1968 and 24.10.1968, granting Ryotwari Patta in favour the then Trustee of the second respondent Temple. Aggrieved over the said act,



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the petitioner's ancestors preferred appeals in C.M.A.Nos.48, 50 and 51 of 1987 before the Principal Subordinate Court cum Minor Inam Abolition Tribunal, Coimbatore and the same was allowed vide judgment dated 22.10.1991 respectively. After the demise of petitioner's father, the petitioner made a representation dated 05.04.2013, before the District Revenue Officer, Tiruppur, seeking Patta in respect of the aforesaid properties. However, no order has been passed. Subsequently the second respondent Temple issued a notice dated 20.09.2017, directing the petitioner to vacate the premises. Challenging the same, the present Writ Petition has been filed seeking the aforesaid relief.

5. Learned counsel appearing for the petitioners submitted that though the appeals in C.M.A.Nos.48, 50 and 51 of 1987 on the file of the Principal Subordinate Court cum Minor Inam Abolition Tribunal, Coimbatore preferred by the petitioner's ancestors were allowed in their favour vide judgments dated 22.10.1991 respectively, the second respondent / Temple in W.P.No.26855 of 2017 issued notice dated 20.09.2017, directing the petitioner therein to vacate the premises though



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they have no right over the said property. Hence, he prayed for quashment of the impugned notice dated 20.09.2017. He further submitted that it would suffice if this Court issues a direction to second and third respondents in the respective Writ Petitions to grant patta in favour of the petitioners by considering the petitioners representations in the respective Writ Petitions and pass appropriate orders within the time frame that may be fixed by this Court. Accordingly, he prayed for passing appropriate orders.

6. Per contra learned Additional Government Pleader appearing for official respondents submitted that though the aforesaid appeals preferred by the petitioners ancestors were allowed vide judgments dated 22.10.1991 by the Principal Subordinate Court cum Minor Inam Abolition Tribunal, Coimbatore in their favour, the same was restored and later it was dismissed vide judgments dated 30.03.1996 and 21.01.1997 respectively. Hence, they prayed for dismissal of the present Writ Petitions.

7. Learned counsel appearing for the private respondent did not dispute the facts submitted by the learned Additional Government Pleader



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appearing for the official respondents.

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8. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

9. Though the facts stand as above, the petitioners claim that the Settlement Officer refused to grant Patta in their favour and granted Ryotwari Patta in favour of the Temple against which, the petitioners ancestors preferred appeals before the Principal Sub Court cum Minor Inam Abolition Act Tribunal, Coimbatore, in C.M.A.Nos.48, 50 and 51 of 1987 and the Tribunal vide order dated 22.10.1991 allowed the appeals in their favour. Per contra, the fourth respondent claims that the appeal filed by the petitioners were dismissed by the Tribunal. In view of the above, this Court directed the Registry to call for records in respect of C.M.A.Nos.50,48 and 51 from the file of the Principal Sub Court cum Minor Inam Abolition Tribunal, Coimbatore and the same was produced before this Court. On a perusal of the same, it reveals that the petitioners ancestors preferred appeals before the Minor Inam Tribunal in C.M.A.Nos.48, 50 and 51 of



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1987 in which an *ex parte* judgments dated 22.10.1991 was passed, which, on the representation of the respondents, the appeals were restored back to file vide judgments dated 30.03.1996 and 21.01.1997 respectively and later, the aforesaid appeals were dismissed vide judgments dated 30.03.1996 and 21.01.1997. However, suppressing the above said facts, the petitioners filed the present Writ Petitions after a lapse of two decades in respect of the very same properties which cannot be sustained. Hence, the prayers sought for by the petitioners in these petitions cannot be acceded to.

10. For the reasons aforesaid these Writ Petitions are disposed of granting liberty to the petitioners to work out their remedy in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

22.09.2022

RAP

Index : Yes/No

Speaking order : Yes/No



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Tiruppur.
2. The District Revenue Officer,
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M.DHANDAPANI, J.

RAP

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