



W.P. No. 7911 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : **22.11.2022**

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No. 7911 of 2014

and

M.P.No. 1 of 2014

Arulmegu Varatharaja Perumal and
Ulageshwara Swamy Temples,
Represented by its Executive Officer,
Mr.D. Nandha Kumar,
Allapuram, Tiruppur Taluk,
Coimbatore District.

... Petitioners

Vs.

1. The District Revenue Officer,
Office of the Collectorate, Tiruppur – 641 604.
2. The Tashildar, Palladam Taluk, Tiruppur District.
3. Kumaraswamy Gounder
4. Muthuswamy Gounder
5. Jyothi
6. Swamiappa Gounder
7. Muthulakshmi
8. Nachimuthu Gounder



W.P. No. 7911 of 2014

9. R. Selvaraj

10. R. Balasubramaniam

....Respondents

WEB COPY

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus calling for the records on the file of the first respondent in Na.Ka.No.1287/2012 JI dated 12.08.2013 and quash the same and consequently direct the first respondent to allow the appeal petition dated 20.01.2012 filed by the petitioner's temple and pass orders.

For Petitioner : M/s R. Gowri

For Respondents 1 and 2 : Mr. U. Bharanidharan
Additional Government Pleader

For Respondent 5 : M. Easan

For Respondent 3,4,6,7,8 : Tapal Returned

For Respondent 9 and 10 : M/s K. Myilsamy

ORDER

The petitioner/Arulmegu Varatharaja Perumal and Ulageshwara Swamy Temples have filed this Writ petition seeking a direction to the first respondent to allow the appeal petition dated 20.01.2012 filed by them.

2. The Petitioner/Arulmegu Varatharaja Perumal and Ulageshwara Swamy Temples is under the control of Hindu Religious and Charitable Endowments Department and they were granted with huge extent of inam lands. Out of larger extent of said lands measuring an extent of 21.16 acres



W.P. No. 7911 of 2014

comprised in Survey Nos.610/1,575/2,575/3A,580 were taken over by the Government under the Tamil Nadu Inams (Abolition and Conversion into Ryotwari) Act, 1963, (for short “ the act”). Thereafter a detailed enquiry contemplated u/s 11 of the Act was conducted by the Settlement Tashildar to determine the claims of the persons in respect of the above said lands and the settlement Tashildar issued proceedings and granted Ryotwari Patta in the name of petitioner temple in the year 1967 and 1968. Thereafter the said lands were subdivided by the revenue officials however, during UDR updation erroneously patta was issued in the name of the third parties who are arrayed as private respondents herein. Aggrieved over the same the petitioner preferred an appeal petition on 20.01.2012 before the District Revenue Officer who dismissed the appeal vide proceedings dated P.R.O.R.C.1287 of 2012 J1 dated 12.08.2013. Challenging the same the petitioner has come up with this writ petition.

3. The learned counsel appearing for the petitioner submits that the settlement Tahsildar granted ryotwari patta in the name of petitioner's temple and the same was cancelled during UDR updation and patta was cancelled by the authorities who have no jurisdiction. Hence he prays for appropriate



W.P. No. 7911 of 2014

orders.

WEB COPY

4. On the above contentions, heard the learned Additional Government Pleader and perused the materials available on record.

5. Admittedly the entire lands were owned by the petitioner's temple and the same was taken over by the Government under the Act. Subsequently a detailed enquiry contemplated u/s 11 of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act 1963 was conducted by the Settlement Tashildar and Ryotwari Patta was granted to the petitioners' temple. The subject matter of this petition is that while making UDR updation wrong entry resulted in erroneous issuance of patta in favour of the private respondents.

6. A perusal of the materials available on record reveals that the settlement Tahsildar, upon conducting enquiry u/s 11 of the Act, had issued patta in the name of the petitioner temple. The said factum is not disputed by the respondents. Such being the undisputed position, this Court is at a loss to understand as to how a patta granted under the Act by the Settlement



W.P. No. 7911 of 2014

Tahsildar could be unsettled by the Revenue authorities during UDR updation. Even if it is an erroneous grant of patta under the Act, the same has to be corrected in the manner known to law. However, without resorting to the said procedure, during UDR updation, the revenue authorities have cancelled the patta issued in the name of the temple by the Settlement Tahsildar and patta has been granted in favour of the private respondents, which is wholly impermissible and illegal. Further, the said fact has not been properly appreciated by the District Revenue Officer in the appeal filed by the petitioner, which has resulted in an erroneous appellate order.

7. For the reasons aforesaid, the impugned order dated 12.08.2013, passed by the first respondent is set aside with a direction to the first respondent to restore the patta back as it stood upon issuance of the same by the Settlement Tahsildar in the year 1967 and 1968 to reflect the name of the temple and the first respondent shall make the necessary correction in the revenue records within a period of twelve weeks from the receipt of a copy of this order.

8. The writ petition is allowed with the aforesaid direction. No costs.



W.P. No. 7911 of 2014

Consequently the connected miscellaneous petition is closed.

WEB COPY

22.11.2022

Index: Yes/ No

Internet: Yes/No

smn

To

1. The District Revenue Officer,
Office of the Collectorate, Tiruppur – 641 604.
2. The Tashildar, Palladam Taluk, Tiruppur District.



WEB COPY



W.P. No. 7911 of 2014

M.DHANDAPANI,J.

smn

W.P. No. 7911 of 2014
and
M.P.No.1 of 2014

22.11.2022