



W.A.No.2492

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM

**THE HON'BLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MR.JUSTICE K. KUMARESH BABU**

W.A.No.2492 of 2019
and
C.M.P.Nos.16289 & 16298 of 2019

Arulmigu Karikaliamman Temple,
Moongilthozhuvu,
Rep. by its Fit Person/Executive Officer,
Arulmigu Alkondamal Thirukovil,
Somavarapatti,
Udumalpet Taluk,
Tirupur District.

[Cause title accepted vide Court order dated
23.07.2019 made in CMP.No.14860 of 2019
in WA.SR.No.81159 of 2019 by NKKJ & AQJ]

... Appellant

Vs.

Sennimalai Gounder (Died)

1. P.Chinnasamy

Maruthathal (Died)
Palaniammal (Died)

2. Sellamuthu Gounder

(Recorded as legal heir of deceased Palanisamy)
Palaniswamy Gounder (Died)

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3. Rangathal

4. S.Viswanathan

5. S.Manthrachalam

(R3 to R5 have been substituted as
LRs of the deceased Sennimalai Gounder)

6. S.Dhandapani

7. S.Sadaiappan

(R6 and R7 have been substituted as LR
of the deceased Maruthathal)

8. R.Muthulakshmi

9. M.Ramasamy

(R8 and R9 have been substituted as LR
of deceased Palaniammal as both of them
got right under registered Will executed
by Maruthammal on 09.09.2002)

(R3 to R9 have been substituted as LR
of the deceased Sennimalai Gounder,
Maruthathal and Maruthathal vide Order
dated 18.12.2018 made in W.P.No.4477/06)

10. The Additional District Magistrate &
District Revenue Officer, Coimbatore
Office of the District Revenue Officer,
Coimbatore.

11. The Sub-Collector, Pollachi
Office of the Revenue Divisional Officer,
Pollachi.



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12. The Tahsildar,
Udumalpet Taluk,
Coimbatore District.

13. The Joint Commissioner,
HR & CE Department,
Coimbatore.

14. The District Collector,
Coimbatore District.

(R13 and R14 have been suo-moto impleaded vide
Order dated 18.12.2018 made in W.P.No.4477/06)

15. V.Velkesh

16. S.Senthil Kumar

(R15 & R16 impleaded vide Court order dated
25.08.2022 made in C.M.P.No.17735 of 2021
in W.A.No.2492 of 2019)

... Respondents

Writ Appeal is filed under Clause 15 of the Letters Patent, praying to
set aside the order passed by this Court in W.P.No.4477 of 2006 dated
29.04.2019.

For Appellant : Mr.K.Ashok Kumar

For R1 to 5, 8 & 9 : Mr.V.Sanjeevi

For R6 & R7 : Mr.P.S.Venkatasubramanian

For R10, 11, 12 & 14 : Mr.Vadivelu Deenadayalan



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For R13 : Mr.Bindran
Additional Government Pleader

For R15 & 16 : Mr.Arun Anbumani
For Mr.M.Guruprasad

JUDGMENT

(Judgment of the court was delivered by R.SUBRAMANIAN,J.,)

This Writ Appeal has been preferred against the order of this Court made in W.P.No.4477 of 2006 dated 29.04.2019.

2. Heard Mr.K.Ashok Kumar, learned counsel appearing for the appellant, Mr.V.Sanjeevi, learned counsel appearing for the Respondents 1 to 5, 8 & 9, Mr.P.S.Venkatasubramanian, learned counsel appearing for the Respondents 6 & 7, Mr.Vadivelu Deenadayalan, Learned Additional Government Pleader appearing for the Respondents 10, 11, 12 & 14, Mr.Bindran, Learned Additional Government Pleader appearing for R13 and Mr.Arun Anbumani, learned counsel appearing for the Respondents 15 & 16.

3. The Writ Court has set aside the orders of the authorities canceling



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the Patta granted to the private respondents solely on the ground that, in the guise of canceling the Revenue Pattas, the Revenue Authorities have canceled the orders of the Settlement Officer made under the provisions of the Tamil Nadu Minor Inams (Abolition and Conversion into Tyotwari) Act, 1963.

4. We find ourselves in entire grounds that in the conclusion of the Writ Court, the following observations of the District Revenue Officer, Coimbatore made in his order dated 06.01.2006 which was the order impugned in the Writ Petition would demonstrate such transgression by the Revenue Authorities in the realm of the settlement proceedings.

5. The District Revenue Officer has observed as follows :

“After hearing the arguments of both sides and perusing the records, I come to the conclusion that it is open to the temple authorities to file an appeal U/s. 11(3) to the Tribunal and get proper orders by explaining the delay in filing appeal and so on. However, on perusal of the documents, the order of the Settlement Tahsildar, the Revision Petitioners are trying to



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usurp the property of the temple under the guise of hereditary poojaries of Kariyakaliamman Temple. By virtue of the pooja done by them in the past, they came to illegally possess these lands and thereby, they have obtained an order in their favour from the Settlement Tahsildar. However, the illegal things cannot be regularized and the merits of the case cannot die, therefore the matter may be referred to the appropriate forum for getting relief against the orders of the Settlement Tahsildar by the temple.

However, for the time being, to safe guard the interest of the temple and to save the purpose of original grant, the orders of the Sub-Collector, Pollachi is upheld and the Revision Petition is hereby dismissed.”

6. From the above, it is very clear that the District Revenue Officer, Coimbatore was alive to the fact that the Revenue Authorities have no jurisdiction to decide on the correctness of the order passed by the Settlement Tahsildar under the Tamil Nadu Minor Inams (Abolition and Conversion into Tyotwari) Act, 1963.



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7. The Writ Court has gone into the provisions of the Tamil Nadu Minor Inams (Abolition and Conversion into Tyotwari) Act, 1963 and has concluded that the Pattas have been granted under the Minor Inam Abolition Act, 1963 and it was not open to the revenue authorities to cancel the same.

8. We do not see any reason to take any different view. Hence, the Writ Appeal fails and it is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

9. Mr.K.Ashok Kumar, learned counsel appearing for the appellant temple now would submit that the appellant temple had already filed an appeal under the provisions of the Minor Inam Abolition Act, 1963 before the Minor Inams Abolition Tribunal. Hence, it is open to the temple authorities to put forth the matter in the appeal to arrive at a logical conclusion.

(R.S.M, J.) (K.B, J.)
28.10.2022

gba / raja
Index : yes/no
Internet : yes/no
Speaking order/non speaking order



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To

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raja

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