



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6597 of 2017

K.Easwaramoorthy

..Petitioner

..Vs..

The Tahsildar,  
Taluk Office,  
Palladam Taluk,  
Tiruppur District.

..Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus, calling for the records relating to impugned letter dated 11.01.2017 passed in Na.Ka.4257/2016/A-2 on the file of the respondent herein, quash the same and consequently direct the respondent herein to effect mutation in the revenue records and grant patta to the petitioner by implementing the judgment and decree dated 28.11.2013 passed in O.S.No.14/2013 on the file of the District Munsif Court, Palladam.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.V.Jeevagiridharan,  
Additional Government Pleader.

O R D E R

This petition has been filed in the nature of Writ of a Certiorari Mandamus, to call for the records relating to impugned letter dated 11.01.2017 passed in Na.Ka.No.4257/2016/A-2 on the file of the respondent herein and quash the same and also consequently direct the respondent herein to effect mutation in the Revenue Records and grant patta to the petitioner by implementing the judgment and decree dated 28.11.2013 passed in O.S.No.14 of 2013 on the file of the District Munsif Court, Palladam.

2. The case of the petitioner is that the land comprised in S.F.Nos.31/1B, 1D, ad-measuring 5.94 acres situated at Mathapur Village, Palladam, was purchased by the petitioner from one Ramasamy and others by a registered Sale Deed dated 11.12.2006



and registered by Doc.No.13537 of 2006. The subject lands were originally an Inam land granted to Sri Hanumantharaya Swami Temple at Mathapur Village, Palladam. After the enactment of the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari Act, 1963, the Inam lands were abolished and Ryotwari pattas were granted to the enjoyers and occupiers. The petitioner's predecessors in title failed to make claim before the Settlement Tahsildar and hence, the Settlement Tahsildar declared the subject lands as "Tharisu" Land. However, the possession and enjoyment of the subject lands, were continuously with the petitioner's predecessors. Though a part of the Inam land was granted to the Temple, the same was alienated long back and the "Kudiwaram" right was enjoyed by the persons who occupied the subject lands. Therefore, the subject properties were subjected to various transactions, such as, mortgage, lease and sale. Accordingly, the said properties came into the family of the Chinna Gounder. The said Chinna Gounder sold the subject lands to one Ammasai Gounder on 02.07.1915 and in turn, he sold the subject lands in favour of one Muthu Gounder on 09.01.1931. The said Muthu Gounder executed a deed of "Sreedhana" on 06.03.1953 in favour of his four daughters. So, the Settlement Tahsildar had conducted suo motu enquiry under the said Act to decide the grant of Ryotwari Patta and by order dated 16.11.1968 the Settlement Tahsildar granted patta to the predecessors of the subject lands and also to the Temple. Aggrieved by the said order, an appeal was preferred before the Tribunal in CMA.No.473 of 1968 and the order of the Settlement Tahsildar dated 06.11.1968 was set aside by the Tribunal and the Settlement Tahsildar was directed to conduct fresh enquiry and pass orders after giving an opportunity of hearing to the parties. In pursuant to the said remand, the Settlement Tahsildar conducted enquiry and by order dated 15.05.1974, the claim of the Temple was rejected and Ryotwari Patta was granted on the ground that the lands were ordered to be vested with the Government and the Temple was not granted any land, since the Temple was not in existence. Though the order was to the effect of vesting the subject lands with the Government, the Government never took possession in respect of the subject lands from the petitioner's predecessors. Hence, the petitioner and his predecessors were in continuous possession and enjoyment of the subject lands. The petitioner also filed a suit in O.S.No.14 of 2013 on the file of the District Munsif Court, Palladam as against the District Collector, Tiruppur and the respondent herein. The said suit was continuously contested by the respondent and the District Collector and the suit was decreed in favour of the petitioner, by judgment and decree dated 28.11.2013. It had attained finality, since no appeal has been preferred even till today.

3. However, the petitioner's request for issuance of patta was rejected for the reason that the Revenue Officials were



directed to file an appeal as against the judgment and decree dated 28.11.2013 passed in O.S.No.14 of 2013 on the file of the District Munsif Court, Palladam.

4. A perusal of the counter affidavit filed by the respondent reveals that an extent of 53.38 acres of land was granted as "Inam Devadayem" land to Hanumatharayaswamy Temple at Mathapur Village, Palladam. After the enactment of the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari Act, 1963, the Settlement Tahsildar, initiated suo motu proceedings as provided under the said Act and purported to grant Ryotwari patta under different survey numbers which are as follows:

| Survey No. | Extent | Section under which Ryotwari Patta granted |
|------------|--------|--------------------------------------------|
| 31/A       | 10.26  | 8(2)(1)(b) for third parties               |
| 814/1      | 3.06   |                                            |
| 854        | 9.30   |                                            |
| 31/B       | 23.23  | 8(2)(ii) in favour of the Temple           |
| 814/2      | 3.06   |                                            |

5. In respect of the property comprised in SF.No.31/B measuring to an extent of 23.23 acres, some persons preferred appeal before the Tribunal. It was remanded for fresh disposal, in CMA.No.478 of 1969 dated 15.11.1972. Thereafter, by order dated 15.5.1974, Ryotwari patta was granted to the appellants as follows:-

| Survey No. | Extent | Section under which Ryotwari patta granted                                                    |
|------------|--------|-----------------------------------------------------------------------------------------------|
| 31/1B2     | 7.82   | U/s.8(2)(1)(a) to one Krishnasamy Gounder as per the order in CMA.No.441/69 dated 05.01.1971. |
| 31/1B3     | 9.47   | U/s.9(1) of the MI act to one Palanisamy Chettiyar.                                           |
| 31/1B1     | 5.94   | Vest with the Government                                                                      |

6. The said property namely, S.F.No.31/1B1 measuring to an extent of 5.94 acres, was declared as Government land under the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari



Act, 1963. The petitioner filed a suit for declaration of title in O.S.No.14 of 2013 on the file of the District Munsif Court Palladam as against the respondent herein and the District Collector, Tiruppur. The said suit was decreed as prayed for by judgment and decree dated 28.11.2013 in O.S.No.14 of 2013. On the strength of the said judgment and decree, the petitioner had given representation on 06.10.2016 for issuance of patta.

7.Thus it is clear that the petitioner was declared as in respect of the property comprised in S.F.No.31/1B1 ad-measuring 5.94 acres. Admittedly no appeal has been preferred even till today by the Revenue authorities as against the judgment and decree passed in O.S.No.14 of 2013 dated 28.11.2013. Therefore, the petitioner is entitled for patta for the subject properties.

8.In view of the above facts and circumstances, impugned letter dated 11.01.2017 is set aside and accordingly, the writ petition stands allowed. No costs. The respondent is directed to issue patta to the petitioner in respect of S.F.No.31/1B1B, within a period of four weeks from the date of receipt of a copy of this order, subject to the result of Appeal Suit if any preferred by the Revenue Officials.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

smv

To,

The Tahsildar,  
Taluk Office,  
Palladam Taluk,  
Tiruppur District.

+1cc to Mr.K.Govi Ganesan, Advocate SR. No.4975

W.P.No.6597 of 2017

GPL (CO)  
PR (11/02/2022)