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WP.Nos.28299 to 28308 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.Nos.28299 to 28308 of 2017

W.P.No.28299 of 2017

R.Kalisamy Gounder

.. Petitioner

Versus

1.The Tahsildar
Perur Taluk Office
Perur
Coimbatore - 641 010

2.A/M.Muttam Nageswarasamy Temple
Rep by its Executive Officer
Kotaigadu
Coimbatore
Coimbatore District.

.. Respondents

Prayer in W.P.No.28299 of 2017: Writ Petition is filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the respondent to fix the consideration under Sec 8(2)(1)(b) of The Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act 1963 for the property in SF No. 426/3B measuring an extent of 5 acre, assigned with joint patta No. 889 situated in Semmedu Village, perur Taluk, Coimbatore District in accordance with the order of Settlement Tahsildar IV, Gobichettipalayam dated 30.11.1968 in a time bound manner.

For Petitioners : Mr.V.S.Usharani (in all cases)

For Respondents : Mr.U.Baranidharan for R1 (in all cases)
Additional Government Pleader
Mr.K.Karthikeyan for R2 (in all cases)
Government Advocate



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COMMON ORDER

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2. The petitioners claim to be the owners of their respective subject properties belonging to the second respondent temple. When the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 ('Act' hereafter) came into force, the then Settlement Tahsildar – IV, Gopichettypalayam vide proceedings in SR.No.244/1968/MI Act/Coimbatore Taluk dated 30.11.1968 had issued Ryotwari Patta to the petitioners' predecessors, who were in possession and enjoyment under Section 8(2)(1)(b) read with Section 11 of the Act. Citing discrepancies with regard to the extent of land covered in the subject pattas, the petitioners' predecessors filed Civil Miscellaneous Appeals before the Minor Inam Tribunal and the same was allowed on 15.03.1972, by setting aside the Order of the Tahsildar only with respect to extent and boundaries and remanded the matter back to the Special Tahsildar for fixation of boundaries and make a call for sub-division of land and issue patta to the petitioner appellants therein.

3. As against which, some of the petitioners' predecessors, filed appeals



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in Special Tribunal Appeals before this Court and the Division Bench of this Court allowed the said appeals on 20.08.1975, and made it clear that the appellants therein are entitled only to 13 acres 96 cents not 13 acres 96 cents. Thereafter, the second respondent temple preferred civil miscellaneous appeals before the Inam Tribunal as against the patta granted by the Special Tahsildar, which were also dismissed for non-prosecution on 17.01.1991, which has become absolute property of the petitioners' predecessors in title. While so, the petitioners made representations to the first respondent seeking to fix consideration for the subject properties in terms of Section Section 8(2)(1)(b) read of the Act which is pending without consideration. Hence, this petition.

4. Though very many grounds have been raised in these writ petitions, learned counsel for the petitioners submitted that, it would suffice, if this Court issues direction to the first respondent to consider the petitioners' representations dated 07.09.2017 and pass appropriate orders in accordance with law.

5. The learned Additional Government Pleader as well as the learned Government Advocate (HR & CE) have no objection for the said order being passed.



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6. Considering the limited relief as sought for by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case, issues direction to the first respondent to consider the representations of the petitioners dated 07.09.2017 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order, if the first respondent Tahsildar possesses jurisdiction.

7. With the above directions, these Writ Petitions are disposed of. No costs.

08.11.2022

dhk

Index:Yes/No

Internet:Yes/No

To

1.The Tahsildar
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Perur
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2.The Executive Officer
A/M.Muttam Nageswarasamy Temple
Kotaigadu
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