



W.A.Nos.1910 and 1061 of 2012
&
C.R.P.(PD).No.4166 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 11.09.2023

Delivered on: 26.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.A.Nos.1910 and 1061 of 2012
and M.P.Nos.1 and 2 of 2012 & C.M.P. No.18562 of 2019
[in W.A. No.1910 of 2012]
and M.P.No.1 of 2012 [in W.A. No.1061 of 2012]&
C.R.P.(PD)No.4166 of 2012

S.Rm.M.Ct.M. Thirupani Trust,
represented by its Trustee
M.Ct.P. Chidambaram.

..... Appellant in W.A. No.1910 of 2012
& 1st Respondent in W.A. No.1061 of 2012

Padmavathy Ammal Charitable Trust,
represented by its
Managing Trustee.

... Appellant in W.A. No.1061 of 2012
& 4th Respondent in W.A. No.1910 of 2012

Vs.

The Principal Secretary and
Commissioner of Land Administration,
Chepauk, Madras – 5.

.... 1st Respondent in W.A. No.1910 of 2012
& 2nd Respondent in W.A. No.1061 of 2012

The Settlement Officer,
Office of the Land Survey and Land Settlement,



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Special Commissioner and Director,
Chepauk, Chennai-600 005. 2nd Respondent in W.A. No.1910 of 2012
& 3rd Respondent in W.A. No.1061 of 2012

The Assistant Settlement Officer,
Tiruvannamalai. 3rd Respondent in W.A. No.1910 of 2012
& 4th Respondent in W.A. No.1061 of 2012

Srilasri Srimath Adhinakartha
Kunrakudi Thiruvannamali Madam,
represented by its Manager,
4/47, State Bank Colony, Chrompet,
Chennai – 600 044. 5th Respondent in both W.A. No.1910 of 2012
& W.A. No.1061 of 2012

COMMON PRAYER: Writ Appeals filed under Clause 15 of Letter
Patent praying to set aside the order passed by this Court in W.P.No.8754
of 2009 dated 24.04.2012.

For Appellant : Mr. S. Ramesh [W.A.No.1910 of 2012]
Mr. G. Ethirajulu [W.A.No.1061 of 2012]

For Respondents : Mr. S. Ramesh [for R1 in W.A. No.1061 of 2012]

: Mr. U.M. Ravichandran, Special Government Pleader
[For R1 to R3 in W.A.No.1910 of 2012]
& [for R2 to R4 in W.A. No.1061 of 2012]

: Mr. K. Venkatachalam [R4 in W.A. No.1910 of 2012]

: No appearance [for R5 in both W.A. Nos.1910 &
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**C.R.P. (PD).No.4166 of 2012 and
M.P.Nos.1 and 2 of 2012**

S.Rm.M.Ct.M. Thirupani Trust,
represented by its Trustee
M.Ct.P. Chidambaram

..... Petitioner

Vs.

1. Padmavathy Ammal Charitable Trust,
represented by its Managing Trustee.

2. The Special Tahsildar (LA),
Kancheepuram Unit,
Chennai Metro Rail Ltd.,
No.7, Conrons Smith Road, Gopalapuram,
Chennai.

..... Respondents

PRAYER: Criminal Revision Petition filed under Article 227 of the
Constitution of India praying to set aside the petition and order dated
18.10.2012 made in LAOP No.7 of 2012 on the file of the Subordinate
Judge, Tambaram.

For Petitioner : Mr. S. Ramesh

For Respondents : Mr. G. Ethirajulu [for R1]

Mr. U.M. Ravichandran, Special
Government Pleader [for R2]



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COMMON JUDGMENT

(Judgment of the Court was made by P.B.BALAJI,J.)

These Writ appeals as well as the Civil Revision Petition arise out of proceedings under the Tamil Nadu Minor Inam (Abolition & Conversion into Ryotwari) Act, 1963.

2. The facts that are common in both the Writ appeals as well as the Civil Revision Petition are that, wayback on 05.04.1862, the Inam Commissioner, Vellore confirmed title deed in T.D. No.482 in favour of Sri Kalathieswarar of Thiruvanmiyur Devasthanam Desikar Sannidi Madam, in respect of the lands measuring 167.64 acres (dry) and 239.38 acres (wet). The said grant was in respect of both Melvaram and Kudivaram rights. Subsequently, the Tamil Nadu Government enacted the Tamil Nadu Minor Inam (Abolition & Conversion into Ryotwari) Act, 1963 and in & by proceedings dated 14.10.1971, the Settlement Officer held that the Adeenakarhar of Sri Kundrakudi Thiruvannamalai Mutt was a minor Inamdhar. Subsequent to the said order, the Inamdhar applied for



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grant of patta u/s.8(2)(ii) of the Act. As there were several objections, the Assistant Settlement Officer conducted an enquiry and rejecting all the contentions of Sri Kundrakudi Thiruvannamalai Mutt, held that the said mutt was entitled only to Melwaram rights and not Kudiwaram rights. As against the said order passed by the Assistant Settlement Officer on 14.05.1973, the Inamdhar filed appeals in C.M.A. Nos.34 and 35 of 1973 before the Sub Court, Chengalpet. On 30.10.1981, the Sub Court, Chengalpet confirmed the order of the Assistant Settlement Officer. The same was challenged by the Inamdhar in S.T.A. Nos.36 & 37 of 1982 before this Court and Division Bench of this Court on 28.02.2001, dismissed the appeals and concluded that the Inamdhar namely, Adeenakarhar of Sri Kundrakudi Thiruvannamalai Mutt was granted only Melwaram rights and not Kudiwaram rights. It was also observed that the patta can be granted in favour of third parties. Not being satisfied with the said order, the Inamdhar moved the Hon'ble Supreme Court and in & by a decision rendered on 20.08.2015, the Hon'ble Supreme Court dismissed the Civil Appeal Nos.2212 and 2213 of 2002.



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3. In the meantime, in furtherance of the proceedings of the Assistant Settlement Officer regarding the issuance of Patta to third parties, various third parties have been issued patta and the appellants in Writ appeal No.1910 of 2012, being one of such third parties, was also issued a patta in respect of Survey No.31/3 on 05.05.1973. Also in furtherance of the order passed by the Assistant Settlement Officer on 14.05.1973, after conducting a due enquiry, the Assistant Settlement Tahsildar, initiated consequential proceedings and upheld the objections of the appellants in Writ Appeal No.1910 of 2012. Thereafter on 30.11.1973, patta was granted to the appellants. While matters stood there, on 06.10.1988, the appellants in Writ Appeal No.1061 of 2012 made an application for grant of patta based on some records in its favour. On 29.07.1991, the Assistant Settlement Officer granted a patta in favour of the appellants in Writ Appeal No.1061 of 2012. As against which, the appellants in Writ Appeal No.1910 of 2012 preferred an appeal before the Settlement Officer, Chengalpet. However, the said appeal came to be dismissed. As against the same, a revision was filed before the 1st respondent namely, The Principal Secretary and Commissioner of Land Administration, Chepauk, Chennai. The 1st



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respondent rejected the revision petition. As against the said proceedings, a Writ petition in W.P. No.8754 of 2009 was filed.

4. The Writ Court found that a substantial suit for declaration was pending in O.S. No.1793 of 1988 (transferred and re-numbered as O.S. No.411 of 2003) on the file of the Sub Court, Alandur and also permanent injunction suit in O.S. No.6110 of 1996 had been filed by the appellant in W.A. No.1910 of 2012 and the same was also renumbered and transferred to the file of District Munsif Court, Alandur and pending in O.S. No.211 of 1998 and in view of the position that several factual issues were involved in the matter and considering the pendency of the suits, directed that all the issues can be decided before the Civil Court and dismissed the Writ petition with the following directions:

“20. In view of the above, the writ petition is disposed of with the following directions:-

(a) The order impugned in the writ petition cannot be an estoppel from contending ownership of the property in



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question.

(b) The impugned cannot be relied upon by the parties before the Civil Court.

(c) The suit in O.S. No.411 of 2003 and O.S. No.211 of 1998 on the file of the District Munsif Court, Alandur will be consolidated and will be disposed of.

21. It is regrettable that the suit of the year 1998 is still pending for reasons unexplained. Therefore, the learned District Munsif, Alandur is hereby directed to dispose of the above said suits, after due notices to the parties and within a period of six months from the date of receipt of a copy of this order on merits. Both parties are directed to cooperate with the trial without seeking unnecessary adjournments since the first suit filed by the 1st respondent is pending for over 23 years. Parties are allowed to bear their own costs.....”

Both the appellants in the Writ Appeals, aggrieved by the said order passed by the Writ Court, have preferred separate Writ appeals. Though



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elaborate arguments were advanced by either side, we observed and indicated to the counsel that the findings of the Writ court cannot be found fault with, since the parties now before us, were not the parties in the original proceedings before the Assistant Settlement Officer and only much later, both the appellants have entered the scene and therefore, unless they are able to establish their respective rights independently, they would not succeed in getting any favourable orders. Both the learned counsel for the appellants fairly accepted to this suggestion made by us that the disputes can be sorted out before competent Civil Court.

5. The learned counsel for the appellants in Writ Appeal No.1910 of 2012, however, was apprehensive in issuing certain directions to the Civil Court and sought for setting aside the impugned order in the Writ Petition i.e., order passed by the 1st respondent in ***Rc.K1/24723/2008 dated 17.03.2009*** confirming the order passed by the 2nd respondent on 23.07.2008, which in turn, confirmed the order passed by the 3rd respondent in S.R. No.148 of 1988 dated 29.07.1991, mainly on the ground that the Inamdhar had unsuccessfully canvassed his rights upto the



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Hon'ble Supreme Court and the same had become final. According to him, even without considering the findings rendered by the Division Bench of this Court and also the Hon'ble Supreme Court, the 1st respondent has independently taken a decision, which runs contrary to the judgment passed by the Division Bench of this court as well as the Hon'ble Supreme Court.

6. Heard both sides. We have also carefully perused the judgment of the Hon'ble Division Bench of this Court as well as the Hon'ble Supreme Court. We have also carefully perused the order of the Writ court and other records made available before us.

7. While giving directions, the Writ Court has rightly held that the order impugned in the Writ petition would not be an estoppel for establishing the ownership of the property in question before the Civil Court. However, in so far as the 2nd direction is concerned, as can be seen from the extracted portion herein above, the direction (b) seems to be



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incomplete. The same reads as follows:-

***“(b) The impugned cannot be relied upon by the parties
before the Civil Court”***

In view of the vague direction, we deem it fit to qualify the said direction passed by the Writ Court to mean that the orders that were challenged in the Writ petition No.8754 of 2009 cannot be relied upon by the parties, while agitating their respective claims before the Civil Court. The parties shall independently establish their rights, title and interest in the subject properties. The final decision of the Civil Court shall eventually bind them.

8. It is also brought to our notice that both the suits are pending in Sub Court, Alandur. However, there is one another issue between the parties which is the land acquisition proceedings. The subject lands in respect of which, the parties are fighting it out before this Court has already been acquired for the purpose of a Metro Rail Station and what remains is only the entitlement of the parties to the compensation amount



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that is said to have been deposited before the competent Civil Court and depending upon the outcome of the Civil suits, the successful party would become entitled to receive the said compensation amount. In this connection, there is a C.R.P. No.4166 of 2012, which has been filed by the appellant in W.A.No.1910 of 2012, the revision preferred against the order dated 18.10.2012 in L.A.O.P.No.7/2012 passed by the Sub Court, Tambaram. The Civil Revision Petition has been preferred against the order dated 18.10.2022, in and by which, the Sub Court has directed the parties to get along the enquiry without fail. The grievance of the Civil Revision petitioner is that when the Writ appeals are pending before this Court and also transfer petitions had been filed in Tr. O.P. Nos.143 and 144 of 2012 before the Principal District Judge, Chengalpet to club O.S. No.211 of 1998 and 411 of 2003 along with LAOP No.7 of 2012, the Trial Court ought not to have passed the order directing the proceedings to go on in the LAOP. The counsel for the revision petitioner contended that the land acquisition proceedings, ought to await final decision either in the Writ appeals and / or in the Civil suits and the same will have a definite and direct bearing on the compensation amount to be dispersed in the land



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acquisition proceedings.

9. We find force in the said submission of the learned counsel for the revision petitioner. We propose to transfer and accordingly transfer O.S. Nos.211 of 1998 and 411 of 2003 from District Munsif Court, Alandur and the Subordinate Court, Alandur to be tried along with LAOP No.7 of 2012 before the Sub Court, Tambaram in order to avoid inconsistent orders as well as multiplicity of proceedings. The parties shall be at liberty to lead evidence, oral or documentary, in the said proceedings and the Sub Judge, Tambaram shall try the suit for declaration filed by the appellant in Writ Appeal No.1061 of 2012 and O.S. Nos. 211 of 1998 and 411 of 2003 filed by the Writ appellant in W.A. No.1910 of 2012 along with LAOP proceedings and dispose of all the three proceedings, after conducting a common or simultaneous trial, as may be just and convenient to the Sub Judge. Considering that the matters are pending right from 1988 and the proceedings on the file of the statutory respondents are also of the year 2003, we direct the Sub Judge, Tambaram to conduct the trial expeditiously and dispose of all the matters within a period of 6 months



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from the date of receipt of copy of this judgment.

10. With these directions and observations, the above Writ appeals and Civil Revision Petition are disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(D.K.K.J) & (P.B.B.J)
26.09.2023

Internet : Yes
Index:Yes/No
Neutral Citation:Yes/No
mjs
To

1. The District Munsif, Alandur
2. The Subordinate Judge, Tambaram.
3. The Principal Secretary and
Commissioner of Land Administration,
Chepauk, Madras – 5.
4. The Settlement Officer,
Office of the Land Survey and Land Settlement,
Special Commissioner and Director,
Chepauk, Chennai-600 005.
5. The Assistant Settlement Officer,
Tiruvannamalai.



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6. The Special Tahsildar (LA),
Kancheepuram Unit,
Chennai Metro Rail Ltd.,
No.7, Conrons Smith Road, Gopalapuram, Chennai.

D.KRISHNAKUMAR, J.,
and
P.B.BALAJI, J

mjs/kpr

Pre-delivery judgment in
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