



W.P.Nos.22019 & 22020 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.22019 & 22020 of 2012

and

M.P.Nos.2, 3 & 4 of 2012

W.P.No.22019 of 2012:

- 1.S.Arthanareeswaran
- 2.S.Kumarasamy
- 3.U.Uma Maheswari
- 4.S.Suseela (deceased)
- 5.S.Vijaya Eshwari
- 6.S.Saranya

(P14 and P15 are impleaded as L.Rs. of deceased P4 vide order dated 21.08.2023, of W.M.P.16323/2023 in W.P.22019/2012 by SMSJ)

- 7.M.Saraswathi
- 8.N.S.Hariharan
- 9.R. Nallasamy
- 10.K.Sathasivam
- 11.S.Subramani
- 12.N.Palanisamy
- 13.S.Nallasivam
- 14.N.S.Ramasamy
- 15.K. Somasundram

... Petitioners

Vs.



W.P.Nos.22019 & 22020 of 2012

1.The District Revenue Officer,
Erode District, Erode.

2.P.Viswanathan

3.P.Chinnappa Gounder

4.K.Arun

5.S. Kathirvel

6.D.Kathirvel

7.The Fit Person
A/M Pandeewarar Temple,
Anjur, Erode District

8. The Secretary,
Hindu Religious and Charitable Endowment Department,
Secretariat Fort St.George,
Chennai-09.

(R8 is sum motu impleaded by order dated 21.08.2023, in W.P.Nos22019
& 22020 of 2012, by SMSJ) ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the 1st respondent in relation to his entire proceedings in Na.Ka. No.9269/2012/O3 dated 4.5.2012 and all subsequent adjourned dates and quash the same as illegal and without any authority of law and consequently forbearing the respondents from in any manner interfering with the rights of the petitioners as granted in the compromise decree dated 9.4.1984 passed in C.M.A.No.7 of 1984 on the file Prl.Sub Court, Erode, and the order of the Settlement Tahsildar, Gopichettipalayam dated 5.7.1967 granting Ryotwari patta to the petitioners under Section 8(2)(i)(a) of the Madras Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963.



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W.P.No.22020 of 2012:

- 1.S.Arthanareeswaran
2.S.Kumarasamy
3.U.Uma Maheswari
4.S.Suseela (deceased)
5.S.Vijaya Eshwari
6.S.Saranya

(P5 and P6 are impleaded as L.Rs. of deceased P4 vide order dated 21.08.2023, of W.M.P.16286/2023 in W.P.22020/2012 by SMSJ)
... Petitioners

Vs.

1.The District Revenue Officer,
Erode District, Erode.

2.P.Viswanathan

3.P.Chinnappa Gounder

4.K.Arun

5.S. Kathirvel

6.D.Kathirvel

7.The Fit Person,
A/M Durgaiamman Temple,
Anjur, Erode District.

8. The Secretary,
Hindu Religious and Charitable Endowment Department,
Secretariat Fort St.George,
Chennai-09.

(R8 is sum motu impleaded by order dated 21.08.2023, in W.P.Nos22019 & 22020 of 2012, by SMSJ)
... Respondents



W.P.Nos.22019 & 22020 of 2012

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records of the 1st respondent in relation to his entire proceedings in Na.Ka. No.9268/2012/O3 dated 4.5.2012 and all subsequent adjourned dates and quash the same as illegal and without any authority of law and consequently forbearing the respondents from in any manner interfering with the rights of the petitioners as granted in the compromise decree dated 9.4.1984 passed in C.M.A.No.6 of 1984 on the file Prl.Sub Court, Erode.

For Petitioners in
both Writ Petitions : Mrs.Chitra Sampath, Senior Counsel for
Mr.T.S.Baskaran

For Respondents in both Writ Petitions:
(for R1) : Mr.T.Arun Kumar,
Additional Government Pleader
(for R2, to R6) : Dr.R.Gouri
(for R7) : Mr.K.Ashok Kumar

COMMON ORDER

The show cause notice, issued by the District Revenue Officer, Erode, calling upon the petitioner to furnish the documents and its explanations in respect of the proceedings initiated under the Tamil Nadu Patta Passbook Act is under challenge in the present writ petitions.

2.The properties measuring a total extent of 117.92 acres in Survey No.106/A2, 109/1 and 109/3 were Minor Inam lands situated in Village of Anjur, Erode District. Some of the Inam lands were granted in favour of



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Arulmigu Pandeewarasamy Thirukkoil and some in the name of Arulmigu

Sri Durgaiamman Temple, Erode District. For certain lands, the settlement

Tahsildar issued patta in favour of the temple on 24.06.1967. On

05.07.1967, patta was granted under Section 8(2)(i)(a) of the Madras

Minor Inam (Abolition and Conversion into Ryotwari) Act 1963, for

certain extent of lands in favour of the ryots who are the predecessors in

the interest of the petitioners. On 25.9.1967, the ryots challenged the order

dated 24.6.1967 by preferring an appeal in C.M.A.No.140 and 147 of 1967

on the file of Inam Abolition Tribunal, Coimbatore. The appeal in C.M.A.

Nos.140 and 147 of 1967 was allowed in 09.12.1970. The temple preferred

an appeal against the order dated 9.12.1970 in STA No.144 to 146 of 1975

on the file of the High Court of Madras and the High Court of Madras in

S.T.A. No.144 to 146 of 1975 remanded the matter back to the Inam

Abolition Tribunal, Coimbatore on 14.09.1978. After the remand, the ryots

and the trustees of the temple, through the executive officers, entered into a

compromise sanctioned by the Commissioner H.R. & C.E. Department,

wherein the ryots were directed to pay some amount to the temple and

patta in favour of the ryots were confirmed. Subsequent to the patta

proceedings, the petitioners and their ancestors dealt with the property by

way of sale to the petitioners 5 to 14.



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3. On 20.12.1998, the Chairman of the Board of Trustees of the Temples submitted a petition under Section 43 of the H.R. &C.E. Act to recall the sanction given to the compromise and to recover the lands. The Commissioner of H.R. & C.E. Department dismissed the Section 43 petition as the permission granted earlier had already merged with the compromise decree passed by the Civil Court and directed the trustees to receive the payments made by the petitioner as per the compromise against the order dated 13.6.2000. The trustees of the temple preferred WP.Nos.13669, 16443 and 18597 of 2000, on the file of the High Court of Madras. The High Court dismissed the writ petitions on 13.2.2010. Writ Appeal Nos.1355 & 1356 of 2011 were filed and those appeals were withdrawn subsequently on 30.7.2021.

4. The learned senior counsel appearing on behalf of the writ petitioner mainly contended that the issues are no more res integra and has already been adjudicated and the patta was granted in favour of the writ petitioner. While so there is no reason of issuance of the impugned show cause notice which is without jurisdiction. The District Revenue Officer is incompetent to reopen the disputes which were already concluded and thus, the writ petition is to be considered.



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5. The learned counsel, appearing on behalf of the 7th respondent/ temple, raised an objection by stating that the compromise memo itself is disputable and even in the present writ petition, the Commissioner of H.R. & C.E. Department has not been impleaded as party. The show cause notice has been challenged without even impleading the necessary parties and thus, the writ petition is to be rejected.

6. The learned counsel for the 7th respondent mainly contended that there are certain doubtful circumstances in respect of the compromise decree passed and the consent given by the parties to the suit. The temple property to a larger extent is of about 88 acres and are dealt within an actual manner as the compromise memo was entered into between the temple authorities and the petitioners. Thus, the temple has initiated action to resume the properties which all are belonging to the temple. In this regard, the order of the Commissioner H.R. & C.E. Department was challenged by way of Revision Petition No.3 of 2020. The said Revision Petition instituted before the Government is pending as of now.



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7.The learned Additional Government Pleader also raised an objection by stating that there are certain doubtful circumstances which deserves to be adjudicated by the government. More so, the writ petition has been filed challenging the show cause notice issued in a patta proceedings and thus, the Government has to take a decision in respect of the disputed issues raised between the temple and the writ petitioners.

8. Considering the facts and circumstances, it is not in dispute that the Revision Petition No.3 of 2020 is pending before the Government for adjudication. Due to pendency of the present writ petition and the interim orders granted in the present writ petition, the Revision Petition is pending before the Government. In view of the issues raised between the parties and considering the fact that certain doubtful circumstances are created by the Temple Authorities as well as by the learned Additional Government Pleader, the Government has to consider all the issues raised between the parties in its entirety and adjudicate by affording opportunity to the parties and pass appropriate orders on merits and in accordance with law in R.P.No.3 of 2020 as expeditiously as possible.



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9. Thus, the Secretary to Hindu Religious and Charitable Endowment Department, Department Secretariat Fort St. George, Chennai-600 009, has been suo motu impleaded as respondent in the present writ petition. The impleaded respondent shall adjudicate the issues between the parties by affording opportunity to them and pass appropriate orders on merits and in accordance with law as expeditiously as possible, preferably within a period of four (4) months from the date of receipt of a copy of this order. Till such time the Government disposes of the Revision Petition No.3 of 2020, all the parties are directed to maintain status quo. The revenue proceedings, including grant of patta, cancellation of patta or mutation of revenue records, are kept in abeyance.

10. With these directions, these writ petitions stand **disposed of**.
No costs. Consequently, connected miscellaneous petitions are also closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

21.08.2023



W.P.Nos.22019 & 22020 of 2012

S.M.SUBRAMANIAM. J.,

(sha)

To

1.The District Revenue Officer,
Erode District, Erode.

2.The Fit Person,
A/M Pandeewarar Temple,
Anjur, Erode District.

3.The Fit Person,
A/M Durgaiamman Temple,
Anjur, Erode District.

4. Hindu Religious and Charitable Endowment Department,
Department Secretariat, Fort St. George, Chennai-600 009.

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