



W.P.No.30919 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30919 of 2019
and W.M.P.No.31009 of 2019

- 1.N.Alex Anbarasan
- 2.S.Kumaresan
- 3.E.Arokia Mary
- 4.T.Elizabeth Rani
- 5.A.Fathima Mary
- 6.A.Justin Samuel
- 7.Kubendran Murali
- 8.M.Sahaya Mary
- 9.A.Mathalai Rajan
- 10.R.Murugesan
- 11.S.Rani Samson
- 12.N.Raj
- 13.D.Shanthi
- 14.Jacob (a) Shaju
- 15.R.Shantha Kumari
- 16.A.Vidi Velli
- 17.Yesu Thanila
- 18.Vimala Lourdu Mary
- 19.V.Anand
- 20.J.John Stephen
- 21.F.Joseph Antony
- 22.A.Joseph Babu
- 23.T.Tirupathi
- 24.T.Christal Geetha
- 25.A.Shanthi Jasmin



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26.M.Tirupathi
27.P.Mahendran
28.S.Francis

...Petitioners

Vs.

1.The District Collector,
Krishnagiri, Krishnagiri District.

2.The Joint Commissioner,
Hindu Religious & Charitable
Endowments Department,
Salem Town, Salem District.

3.The Tahsildar,
Krishnagiri,
Denkanikottai Road to Sub Jail Road,
Shanthi Nagar East,
Hosur - 635 109.

4.The Sub-Registrar,
Hosur Sub-Registrar Office,
Hosur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring that the inclusion of the name of Kasi Visweswarar Koil falls under the control & management of the 2nd respondent, but not in existence comprised in Survey Numbers 712 & 713 of Zuzuvadi Village is invalid in the light of the Suo Motu Settlement proceedings of the Tahsildar, Salem, granting Ryotwari Patta in the name of S.Sundara Iyer, Son of Subramaniah after enacting Tamil Nadu Minor Inams [Abolition and Conversion into Ryotwari) Act, 1963 within



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the meaning of Section 8(2)(i)(a) of the said Act holding the lands were permanently alienated to him and consequently restoring the names of the petitioners with suitable compensation to each of the petitioners.

For Petitioners : Mr.A.Amalraj
For R1, R3 & R4 : Mr.E.Sundaram
Government Advocate
For R2 : Mr.Yashwanth
Additional Government Pleader

ORDER

The writ of declaration has been instituted to declare that the inclusion of the name of Kasi Visweswarar Koil falls under the control & management of the 2nd respondent, but not in existence comprised in Survey Numbers 712 & 713 of Zuzuvadi Village is invalid in the light of the Suo Motu Settlement proceedings of the Tahsildar, Salem, granting Ryotwari Patta in the name of S.Sundara Iyer, Son of Subramaniam after enacting Tamil Nadu Minor Inams [Abolition and Conversion into Ryotwari) Act, 1963 within the meaning of Section 8(2)(i)(a) of the said Act holding the lands were permanently alienated to him and consequently



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restoring the names of the petitioners with suitable compensation to each of the petitioners.

2.The petitioners state that their names were removed from the Patta Passbook in respect of the housing plots owned by them. The petitioners state that they are the absolute owners of the subject housing plots owned and possessed by them for long years. All the petitioners are the purchasers of the subject housing plot from their respective vendors.

3.The learned counsel appearing for the petitioners mainly contended that pursuant to the provisions of the Tamil Nadu Minor Inams [Abolition and Conversion into Ryotwari) Act, 1963, the Settlement Tahsildar, Salem has issued ryotwari patta in the name of one Mr.Sundara Iyer who was performing the service in Kasi Visweswarar Koil. Since the said Sundara Iyer was in possession of the service land and was in enjoyment, suo motu proceedings were initiated by the Settlement Officer soon after the enactment i.e., Tamil Nadu Minor Inams [Abolition and Conversion into Ryotwari) Act, 1963. The Settlement Officer passed an order on 10.07.1968



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granting ryotwari patta in favour of the Archagar S.Sundara Iyer. Relying on the said order of the Settlement Officer, Salem, the learned counsel for the petitioners reiterated that it was a ryot land which was settled in favour of the Archagar S.Sundara Iyer, from whom the subsequent purchasers purchased the housing plots. Layout was formed subsequently by one Mr.Subramani, S/o.Idumappa. Patta granted in faovur of the settlee originally was cancelled by the competent authorities by verifying the revenue records that the order of the Settlement Officer is perverse and the subject land is not falling under the provisions of the Tamil Nadu Minor Inams [Abolition and Conversion into ryotwari] Act, 1963.

4. There was a dispute in respect of the status of the land whether it is a ryotwari land or a patta land.

5. In this regard, the learned Government Advocate appearing on behalf of the respondents 1, 3 and 4 and the learned Additional Government Pleader appearing on behalf of the H.R.&C.E. Department made a submission that the subject land is a patta land standing in the name of the



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deity of the temple and the land was not falling under the provisions of the Tamil Nadu Minor Inams [Abolition and Conversion into ryotwari] Act, 1963.

6.The Tahsildar, Hosur, third respondent herein in his counter has stated that the land in S.F.No.712 measuring 1.33.0 hectare and the land in S.F.No.713 measuring 0.98.5 hectare of Zuzuvadi Village in Hosur Taluk of Krishnagiri District stands registered in the name of Arulmigu Kaasi Viswesvaraswamy Tirukovil in the Government Records. From the time immemorial the said lands have been registered in the name of the said temple. The initial survey and settlement took place in the year 1907. In the initial survey and settlement of 1907 itself, the said lands have been classified as Temple lands registered in the name of said temple. Further, during the updating registered scheme also the said lands have been registered in the name of the said temple. During the year 1989, the patta of the said lands have been erroneously issued in the name of one Thiru.Subramani, S/o. Idumappa of Chinna Elasagiri Village. It is a mistake of fact and grave offence. The said temple lands ought not to be transferred



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in the name of Thiru.Subramani. In the year 1996 the said Subramani has subdivided the temple lands and plotted the said lands and sold the plots to various persons for his personal gains. There are 124 house site plots in the subject lands. The petitioners without ascertaining the details have purchased the plots and it is a mistake of fact.

7.It is further stated that during the year 2014 as per orders of the Government a thorough search and verification of all the records were undertaken all over the State. During the course of verification, it was noticed that the subject temple lands have been erroneously transferred in the name of one Thiru.Subramani and it is a grave offence. How the temple lands were transferred in the name of a private person is not known. Further, there are no provisions or law to transfer the temple lands to a private individual/person and the source of the temple lands are to be used for the maintenance of temple. In the present case, the income of the subject lands have to be utilized for the maintenance of Arulmigu Kaasi Visweswara Swamy Tirukovil. There are no provisions or law to transfer the temple lands in favour of a private person. Hence, the District



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Administration has cancelled the pattas issued in favour of the petitioners and resumed the land in the name of the temple. The land owners or the petitioners have not sent any representations to the authorities concerned with regard to the cancellation of pattas issued to them. Further, the respondents have no powers to cancel the orders already issued by the respondents by cancelling pattas in favour of the petitioners.

8.It is contended that the subject lands were erroneously transferred in the name of one Thiru.Subramani and the said Subramani in turn has subdivided the said land and plotted the lands and sold to various third parties. It was a serious offence committed by him as the temple lands cannot be transferred in the name of the individual. The petitioners without ascertaining the said facts and details purchased the house plots on mistaken fact. If at all the petitioners are aggrieved from and out of such purchase or their vendors have fraudulently transferred the housing plots, the petitioners have to sue their vendors or the persons who have committed such fraud or offence. Contrarily the land belonging to the temple cannot be transferred in an illegal manner. When the subject land is not falling under the



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provisions of the Tamil Nadu Minor Inams [Abolition and Conversion into Ryotwari) Act, 1963 and in the Settlement Officer's proceeding the temple has not impleaded as a party, the said order is not binding on the temple and therefore, the temple authorities have restored the patta in their name by establishing their title before the competent authorities.

9.If at all the petitioners are aggrieved from and out of the illegal sale of properties by their vendors, the petitioners are at liberty to sue them. In respect of the other dispute of civil nature, the parties, if aggrieved, have to approach the competent civil court of law. As far as the writ petition is concerned, this Court do not find any infirmity in respect of the actions initiated by the official respondents by cancelling the patta granted in favour of the writ petitioners based on the orders of the Settlement Officer since the lands are belonging to the temple and not falling under the provisions of the Tamil Nadu Minor Inams [Abolition and Conversion into Ryotwari) Act, 1963.



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WEB COPY 10. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order



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To

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Krishnagiri, Krishnagiri District.
- 2.The Joint Commissioner,
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- 3.The Tahsildar,
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S.M.SUBRAMANIAM, J.

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