



W.P.(MD) No.2973 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2023

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.2973 of 2023
and
W.M.P.(MD) No.2751 of 2023**

G.Rajesh Kanna

... Petitioner

/vs./

- 1.The District Collector,
Collector Office,
Madurai.
- 2.The Joint Commissioner,
H.R.& CE Department,
Plot No.49, M.R.B.Nagar,
Seelapadi Post (Near Police Quarters),
Mullipadi,
Dindigul 624 005.
- 3.The Executive Officer,
Arulmighu Kathali Narasinga Perumal Temple,
H.R.& CE Department,
Ammaiyanaickanoor,
Nilakottai 624 208,
Dindigul District.



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4.The Tahsildar,
Taluk Office,
T.Vadipatti,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned letter issued by the 3rd respondent dated 20.12.2022 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently direct the 3rd respondent to instruct the Sub Registrar Office, Vadipatti to register any document relating to 1.60 acres comprised in S.No.395/2 Kulasekaran Kottai Village, Vadipatti Taluk, Madurai District within time frame stipulated by this Court.

For Petitioner : Mr.M.V.Venkataseshan Senior Counsel for
Mr.S.Vellaichamy

For R1 & R4 : Mr.D.Ghandhiraj
Special Government Pleader

For R2 & R3 : Mr.P.Subbaraj
Special Government Pleader

ORDER

The above writ petition is filed for the issue of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned letter issued by the third respondent dated 20.12.2022, quashing the same on the ground that the



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same is arbitrary, illegal and without any legal basis and consequently directing the third respondent to instruct the Sub Registrar Office, Vadipatti to register any document relating to 1.60 acres comprised in S.No.395/2 Kulasekaran Kottai Village, Vadipatti Taluk, Madurai District.

2.It is the case of the petitioner that the total extent of 3.20 acres in S.No. 395/2 was granted to the third respondent temple as “Malai Katti Inam” (service inam for supplying garlands and flowers). The land in question is therefore the service inam land. A father and the son duo were performing the services. With the coming into force of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 on 15.02.1965, an enquiry was conducted by the Settlement Tahsildar. By an order dated 23.10.1968, he had granted patta to the third respondent temple under Section 8(2)(ii) r/w Section 11(2) of the Act. Aggrieved by the order, the said Rengaiah and his son, R.T.Ponnadi had filed C.M.A.No.301 of 1970 on the file of the Inam Abolition Tribunal. By order dated 30.10.1970, the appeal was allowed and the matter was remanded back to the Settlement Tahsildar for fresh consideration.



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3. After the remand, the temple had filed their objections and following a detailed enquiry, the Settlement Tahsildar had granted patta in favour of the son, R.T.Ponnadi, since Rengaiah had passed away by then. This order had become final and conclusive. Thereafter R.T.Ponnadi exercised his option to get himself discharged from the service and got his name under Section 21(3) of the Act.

4. On 30.08.1972, R.T.Ponnadi had sold the property to the petitioner's mother, G.Saraswathi Ammal, who died on 25.05.2021. Meanwhile, the Tahsildar, Nilakottai had given a discharge certificate stating that the entire amount has been paid by reason of which the vendor of the petitioner's mother had become the absolute owner of the land. The sale in favour of the petitioner's mother was also recognized and patta was granted in her name. Out of the extent of 3.20 acres, Saraswathi Ammal had sold an extent of 1.60 acres to third parties, who have got the revenue records mutated in their names and are in possession and enjoyment of the same. The remaining extent continued to be in the possession and enjoyment of the petitioner.



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5.It appears that one Vadamalai Rengapan had filed a suit O.S.No.393 of 1993 on the file of the District Munsif Court, Madurai for declaration and injunction against the petitioner's mother. The trial Court had dismissed the suit, against which the said Vadamalai Rengapan had filed A.S.No.185 of 1995 on the file of the Principal District Court, Madurai. The learned Principal District Judge, Madurai had allowed the appeal on 01.11.1996. The petitioner's mother had challenged the said judgment and decree in S.A.No.632 of 1997 on the file of this Court. By judgment dated 25.10.2018, the second appeal was allowed and the title of the petitioner's mother to the suit schedule property was confirmed.

6.However, when the petitioner was attempting to alienate the property, he came to learn that the third respondent without verifying the records informed the Sub Registrar Office, Vadipatti that no document should be entertained for registration. The petitioner submitted a representation dated 18.02.2022 before the third respondent requesting them to withdraw the letter sent to the Sub Registrar Office, Vadipatti. Since there was no response to the representation, the petitioner had filed W.P.No.5814 of 2002 for disposing of his representation, which prayer was granted by this Court. However, the same has not been



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complied with. Therefore, a contempt petition was also moved, pursuant to which the impugned order dated 20.12.2022 came to be passed by the third respondent rejecting the petitioner's request and stating that the land belonged to the temple. Aggrieved by the same, the petitioner is before this Court.

7.After hearing the parties on either side, this Court had directed the third respondent to produce the records relating to the title of the temple to the property. However, no document has been produced and the fourth respondent has today produced the 'A' Register Extract pertaining to the village, in which the property is situate and a perusal of the same would show that the petitioner's mother, G.Saraswathi Ammal is shown as a registered owner of the lands comprised in S.No.395/2 in patta No.251.

8.It is rather surprising that despite overwhelming documentary evidence showing the right of the petitioner and his predecessor in title and there being no evidence on the side of the temple, it is not known as what evidence had prompted the fourth respondent to pass the impugned order. Therefore, taking into account the fact that the civil Court has declared the title of the petitioner's



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predecessor in title and the entries in the revenue records, the impugned order of the third respondent dated 20.12.2022 is set aside. The third respondent is directed to register any document that is being presented by the petitioner in respect of the aforesaid property within a period of two weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Accordingly, the Writ Petition stands allowed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

07.06.2023

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P.T.ASHA, J.

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