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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.08.2023**

CORAM

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

S.T.A.No.3 of 2004

- 1.T.R.Srinivasa Iyengar @ Ramasamy Iyengar
- 2.A.Gopalan @ Annasamy Iyengar
- 3.Thulasi Ammal
- 4.S.Narasinga Bhattar @ Srinivasa Bhattar
- 5.D.Srinivasa Bhattar @ Devaraja Bhattar
R.Krishna Bhattar (died)
- 6.K.Sampathkumar @ Krishna Bhattar.
- 7.Desikan @ Srinivasan
- 8.S.T.Rengarajan @ S.Thiruvengadasamy
- 9.Renganayaki
- 10.Amirthavalli
- 11.Srinivasan
- 12.A.Saroja
- 13.R.Murali Bhattar
- 14.Madhavan
- 15.Govindasamy



16.T.Srinivasan

17.Janaki Ammal

18.S.Rengarajan

19.R.Sampathkumar

20.T.Srinivasan

21.Srinivasa Iyengar

22.S.Jayalakshmi

...Appellants

(CT accepted vide order dated 19.06.2003 made in STP.No.2/02.)

-Vs.-

Sri Ranganathaswamy Devasthanam (Idol),
Rep. through his Executive Officer,
Srirangam, Trichy.

...Respondents

PRAYER:- Special Tribunal Appeal filed under Section 30 of Tamil Nadu Minor Inams (Abolition & Conversion into Ryotwari) Act, 1963 r/w Rule 28 of the Rules, against the judgment and decree dated 30.11.1998 made in CMA No.18 of 1981 on the file of the Minor Inam Abolition Tribunal (Principal Sub Judge), Tiruchirapalli, reversing the order of the settlement Tahsildar III (SE) Tiruchirapalli, dated 29.08.1969 and made in Petition No.275/69.

For Appellants :Mr.P.Thiagarajan

For Respondent :Mr.P.Vinoth

for Mr.M.Saravanan



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JUDGMENT

(Judgment of the Court was delivered by **DR.ANITA SUMANTH, J.**)

Both Mr.P.Thiagarajan, learned Counsel for the appellants and Mr.P.Vinoth, learned Counsel for the sole respondent would concur on the position that this appeal could be decided in the light of decision of this Court in a batch of STAs (STA.Nos.20 to 24 of 2001 and batch) disposed on 03.03.2023 by Division Bench of this Court in *Kandasamy @ Muthu Mudaliar and others vs Arulmighu Sri Ranganathar Swamy represented by Executive Officer and others.*

2.As in the present matter, those STAs had also been filed challenging an order passed by the Inam Estate Abolition Tribunal Trichy, in terms of Section 30 of the Tamil Nadu Minor Inams (Abolition and conversion into Ryotwari) Act, 1963 ('Act').

3.The subject matter of the suit related to land conveyed under Inam Title Deed 1027, that had been granted as Devadayam for the



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support of the Pagoda for Sri Ranganathaswamy at Srirangam. The land comprises Vallithirumutham Village in Trichy District, now known as Srirangam. It comprised a minor inam granted to the Pagoda of Sri Ranganathaswamy, Srirangam in T.D.No.1207 and had been notified under Section 1(4) of Act 30 of 1963 ('land'/'land in question')

4.Enquiry was commenced suo motu by the Assistant Settlement Officer who took the stand that on and from 15.02.1965, which is date of enforcement of Act 30 of 1963, those lands vested in the Government free, from all encumbrances. The land was classified into three different heads, Part-I, land with building, Part-II, vacant land and Part-III, land already vested with Government and being used for public utility, as lanes, grounds, etc. The totality of the lands admeasured 390 acres.

5.The respondent contended that there was a presumption under Section 44 of the Act in favour of the Sri Ranganathaswamy Devasthanam ('Temple'). The land of the Temple comprises both



Melwaram and Kudiwaram and the Temple would have full right in respect of the lands under T.D.1027. Such right had been recognised by the Hon'ble Supreme Court in *Raja Lakshmi Dasi and others vs Bamamali Sen and others* [AIR 1953 SC 33].

6.The plea of the Devasthanam was rejected by the Settlement Tahsildar, which then filed appeals before the Tribunal, 9 ½ years, from the date of order of the Settlement Tahsildar. The Tribunal framed issues (i)on the bar of limitation as well as on the merits as to whether (ii)the Devasthanam was entitled for patta in respect of the land covered under T.D.1027 comprising agricultural lands and road and (iii) whether the Devasthanam was entitled to Melwaram patta in respect of land upon which building has been constructed.

7.The appeals were held to be within time following the judgment in *Pandurangan Chetti and another vs The Govt. of Tamil Nadu, represented by the Collector of N.Arcot and another* [1978 (2) MLJ 388]. On merits, the contention of the Devasthanam was accepted



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holding that it held Iruwaram over the land. For this purpose, reliance was placed on the decision in *Kali Varadaraja Perumal Koil, Pollachi, vs K.S.J.Raju Chettiar* [1978 (91) LW 142].

8.The Tribunal also accepted the contention of the Devasthanam that it held ryotwari rights over the properties comprising building with land, following the ratio of judgment of the Hon'ble Supreme Court in *K.S.Thirugnanasambandam Chettiar (dead) by L.Rs. And others vs The Settlement Tahsildar, Coimbatore and others* [1996 (1) L.W. 19 (SC)]. The building owners were entitled to patta for the building alone.

9.Special Tribunal Appeals had been filed by the parties aggrieved by the decision of the Tribunal and was decided in favour of the Devasthanam by order of the Court dated 03.03.2023.

10.In those matters, the Court has categorically held at para 45 as follows:



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“45. Thus, it is now been well settled by pronouncement of judicial orders that the party who claims vesting of property under Section 13 of the Act has to establish that he is the owner of the building as well as the site in which the building stands. The land if owned by a religious institution and a building stands upon that land does not vest the site upon which the building stands inclusive of the land appurtenant to the building. The inamdar continued to be in constructive possession of the site, even after the notified date and the inamdar will be entitled to recover possession from the vacant site from his tenant. This legal position been settled in catena of judgments which are referred in R.Manicka Naickar case cited supra followed by Ramae Gounder case cited supra. Therefore, looking at any angle, either the point of limitation or the nature of the grant or the applicability of Section 13 of the Act in respect of the buildings found in Schedule-I of the order of the Settlement Tahsildar, this Court finds that the existing right of the Temple given under the grant cannot be taken away by virtue of the provisions of the Act 30 of 1963. under Section 44 of the Act, the pre-existing right vested with the Temple is not only for Kudiwaram, but both the Melwaram and Kudiwaram. Therefore, the Temple is entitled for patta absolutely for the land enumerated under second schedule and patta for the site for the land enumerated under First schedule whereupon building has been constructed. It is for the person who claim his right over the building to establish whether they put up the building with the consent of the land owner, namely the Temple or not. These are the issues based on the facts to be decided by a competent Civil Court. As far as the present appeals are concerned, the order of the Tribunal is perfectly valid. There is no legal infirmity on facts or law. The absolute right vested with the Temple cannot be diverted without taking note of the fact that prior to the advent of the Act 30 of 1963, Melwaram and Kudiwaram right of the Temple been recognised and honoured.”



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11.Learned counsel before us would confirm that the status of the present appellants are identical to that of the appellants in the other STAs and that decision dated 03.03.2023 would apply on all fours to the present case as well.

12.In light of the aforesaid discussion, these appeals are dismissed and the order of the Minor Inam Abolition Tribunal (Principal Sub Judge, Trichy) dated 03.11.1998 in C.M.A.No.18 of 1981 is confirmed. No costs.

[A.S.M.J.,] & [R.V.J.,]
23.08.2023

NCC :Yes/No
Index :Yes/No
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To:

- 1.The Minor Inam Abolition Tribunal (Principal Sub Judge),
Tiruchirapalli.
- 2.The Settlement Tahsildar III (SE) Tiruchirapalli.
- 3.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court, Madurai.



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DR.ANITA SUMANTH, J.
AND
R.VIJAYAKUMAR, J.
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