



W.P.No.16298 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16298 of 2016

And

W.M.P.No.14085 of 2016

1.T.Manokaran

2.T.Sivaraj

3.N.Shanmugam

4.M.Natesan

5.A.Senthil Kumar

6.N.Subramaniam

7.A.Karthi

... Petitioners

Vs.

1.The State of Tamil Nadu

Rep. by its Secretary,
Tamil Development, Religious Endowment
and Information Department,
Fort St.George,
Chennai – 600 009.

2.The Commissioner,

Hindu Religious Charitable and Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam High Road,
Chennai – 600 034.

3.The Executive Officer

Arulmigu Neelambur Kaliyamman Thirukovil
Karaiyur, Dharapuram Taluk,
Thiruppur District.

... Respondents



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Prayer:

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Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the notice dated 18.11.2013 of the third respondent and in pursuance of the said impugned notice and quash the same, consequently direct the respondents not to voluntarily intrude into and criticize the Settlement proceedings of the Act 30/1963 declare as illegal.

For Petitioners : Mr.S.Patrick
for M/s.K.R.Gunashekar

For Respondents : Mr.NRR.Arun Natarajan for R1 and R2
Special Government Pleader
Mr.K.Sudhakar for R3

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the notice dated 18.11.2013 of the third respondent and quash the same, consequently direct the respondents not to voluntarily intrude into and criticize the Settlement proceedings of the Act 30/1963 declare as illegal.



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2.The learned counsel appearing for the petitioner submitted that the petitioners are hereditary poojaris rendering service to Arulmigu Neelambur Kaliyamman Thirukovi, Karaiyur for several years and they were assigned with service inam lands to cultivate and to eke their livelihood from the income derived from the said lands. The lands in S.Nos.543, 789 and 718 (New Survey Nos.1685/7, 1685/9 and 1871/2) Kolathuppalayam Village, Dharapuram Taluk, Tiruppur District were minor inam lands covered by T.D.No.1958 and taken over by the Government under 3(d) and 3(f) of the Tamilnadu Minor Inams (Abolition and Conversion into Ryotwari) Act 30 of 1963, as a result of which the inam tenure was extinguished and the lands stood converted as ryotwari and in the year 1970 vide order of the Settlement Tahsildar, Erode dated 16.04.1970 under Section 8(2)(ii) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act 30 of 1963, ryotwari patta was issued. However, the third respondent issued the impugned notice directing the petitioners to hand over the lands, which is not sustainable one.

3.The learned Special Government Pleader appearing for the respondents 1 and 2 as well as the learned counsel appearing for the



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third respondent submitted that though the petitioners claim that they are hereditary poojaris, no material was placed before this Court to prove the same and further submitted that the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act itself was amended and further submitted that patta stands in the name of the Temple and the petitioners have not paid any amount towards lease or rent and hence they are not entitled to enjoy the land. Hence in the absence of any proceedings or documents, the claim made by the petitioners is not sustainable one.

4.Heard the arguments advanced on either side and perused the materials available on record.

5.Though the petitioners claim that they are hereditary poojaris, no material was placed before this Court to prove the same. Further, Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act itself was amended and it appears that patta for the subject lands stand in the name of the Temple and the petitioners have not paid any amount towards lease or rent and hence they are not entitled to enjoy the land. Hence in the absence of any proceedings or documents, the claim made by the petitioners is not sustainable one.



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6.The writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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Tamil Development, Religious Endowment
and Information Department,
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Chennai – 600 009.
- 2.The Commissioner,
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