



W.A.No.3587 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P. DHANABAL

W.A.No.3587 of 2024

and

C.M.P.Nos.27865 & 27895 of 2024

A/m.Sellandiamman Thirukoil,
Represented by its Thakkar,
Vellakovil – 638 111,
Kangayam Taluk,
Tiruppur District.

... Appellant

Vs.

1.S.Jothimani

2.S.Sampathkumar

3.N.Bhuvaneswari

4.Aruna Shivani

5.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Tiruppur – 638 004, Tiruppur District.



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6.The Sub-Registrar,
Sub-Registrar Office,
Vellakovil – 638 111,
Tiruppur District.

... Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 12.06.2024 in W.P.No.9798 of 2024 on the file of this Court.

For Appellant	:	Mr.N.R.R.Arun Natarajan
For R1 to R4	:	Mr.P.Dinesh Kumar (Change of vakalat)
For R6	:	Mr.B.Vijay Additional Government Pleader

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single Judge, dated 12.06.2024, made in W.P.No.9798 of 2024, allowing the writ petition filed by the respondents 1 to 4 to quash the refusal check slip issued by the 6th respondent/Sub-Registrar refusing to register the sale deed dated 23.12.2022 executed by the respondents 1 to 3 in favour of the 4th respondent in respect of the property of the respondents 1 to 3 and also the order of the Joint Commissioner of HR & CE Department, dated



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18.10.2021, and to direct the 6th respondent/Sub-Register to register the document.

2. Brief facts that are necessary for the disposal of this Writ Appeal are as follows :

The predecessors in interest of writ petitioners claimed Ryotwari Patta before the Settlement Tahsildar under Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963 (Act 30 of 1963) (hereinafter referred to as "Minor Inam Abolition Act" for brevity) in respect of a larger extent in S.No.572/A. Though the Settlement Tahsildar refused to grant patta, on appeal in C.M.A.No.290 of 1968 before the Minor Inams Tribunal, Coimbatore, Ryotwari Patta was issued under Section 8(2)(i)(b) of the Minor Inam Abolition Act, in favour of the predecessor-in-title of the respondents 1 to 3 by name Lakshmi Ammal. It is not in dispute that the order of the Inams Tribunal has become final. However, it is stated that the Inams Tribunal, Coimbatore, directed issuance of conditional patta on payment of consideration as provided under Section 8(2)(i)(b) of the Minor Inam Abolition Act. It is not in dispute that the petitioners 1 to 3 in the writ



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petition are claiming title under the Ryotwari Patta issued to their predecessor-in-title. They executed the sale deed in favour of the 4th respondent. However, the Sub-Registrar refused to register the document on the ground that there is an objection by the HR & CE Department not to register certain documents in respect of the subject property. It was based on the letter issued by the 5th respondent herein, the Sub-Registrar refused to register the document.

3. When the communication of the 5th respondent and the order of the Sub-Registrar were challenged before this Court in the writ petition, it was contended by the appellant that though patta was granted in favour of the predecessor-in-title of the writ petitioners, the property had been dealt with even before payment of consideration as fixed by the Tahsildar in the year 1973. Learned Single Judge, after holding that title cannot revert back to Temple even assuming that the amount fixed was not paid by the writ petitioners' predecessor-in-title, found that even if no amount was paid as per the directions of the Tribunal, the same can be recovered as arrears of land revenue as per Section 8(3)(i) of the Minor Inam Abolition Act. Therefore,



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with a direction to the Sub-Registrar to register the sale deed dated 23.12.2022 executed by the respondents 1 to 3 in favour of the 4th respondent herein, the learned Single Judge allowed the writ petition. Challenging the same, the above Writ Appeal is filed by the Temple.

4.It is contended by the learned counsel for the appellant that the order of the Inams Tribunal itself is illegal and this Court should protect the interest of Temple/deity treating the same as a minor. It is further contended that persons who claimed title against the Temple are only poojaris working in Temple. It is contended that the order of the Inams Tribunal cannot be the basis for deciding the title of the individuals. Finally, the learned counsel submitted that any order passed by the Inams Tirbunal which is improper and which is void, should be ignored.

5.Though caveat is filed by a counsel by name Mr.N.Manokaran for the 4th respondent, it is now represented before this Court that they have filed change of vakalat through another counsel by name Mr.P.Dinesh Kumar for respondents 1 to 4. However, the new counsel has not filed his vakalat so



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far. Hence, his submissions on merits is also heard.

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6.This Court is unable to appreciate any of the contentions of the learned counsel appearing for the appellant. First of all, the proceedings initiated under Minor Inam Abolition Act cannot be ignored in view of the specific provisions under the Act. The predecessors-in-title of the writ petitioners have proved their continuous possession for a period of 12 years prior to Act 30 of 1963 to get patta under Section 8(2)(i)(b) of the Minor Inam Abolition Act. When the fact that they are entitled to get Ryotwari Patta under the Act, is not in dispute and proceedings have become final, unless the Temple either files a further appeal as against the order of Inam Tribunal or files a Civil Suit for declaration of its title, the order is binding on the Temple. When patta is granted under the Minor Inam Abolition Act, it confers title, as the Act recognising the pre-existing right of the individuals to get Ryotwari Patta on satisfying the requirements of statute, i.e., by showing that the person claiming Ryotwari Patta is in continuous possession for a period of 12 years preceding the Act. Merely because the person who was directed to pay the amount for grant of patta has not paid the amount,



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title will not revert to any other person except the Government. In this case, on facts, it is also proved before the learned Single Judge that the amount was paid. However, it is contended by the learned counsel for the appellant that the property itself was sold even before such payment was actually made by the predecessor-in-title of the writ petitioners. Under Section 8(3)(i) of the Minor Inam Abolition Act, any amount which is due from any person under Clause 8(2)(i)(b) is recoverable as arrears of land revenue. In such circumstances, this Court is unable to entertain this Appeal as the order of the learned Single Judge is perfectly valid.

7. Therefore, for want of merits, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (P.D.B., J.)
10.12.2024

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Internet : Yes
Index : Yes
Neutral Citation : Yes

To



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S.S. SUNDAR, J.
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