



W.P.No.37318 of 2024

the petitioners representation dated 28.08.2024 for removing the entries made in their records as if the land belonged to the 4th respondent pertaining to the petitioners property comprising in S.No.189/3, 189/4A situated at Vavipalayam Village, Palladam Taluk, Tiruppur District in view of Judgment dated 18.03.1972 passed in CMA No.588 of 1969 on the file of Minor Inams Tribunal at Coimbatore.

For Petitioners : Mr.K.Myilsamy

For Respondents : Mrs.C.Meera Arumugam
Additional Government Pleader

ORDER

Mrs.C.Meera Arumugam, learned Additional Government Pleader takes notice on behalf of the Respondents.

2. The Writ Petition is filed for the following relief:-

It is the case of the Petitioners that the 1st Petitioner is the absolute owner of the agricultural land measuring an extent of 3.90 acres comprised in Survey.No.189/3 at Vavipalayam Village, Palladam Taluk, Tiruppur District by virtue of registered Settlement Deed dated 11.07.2018. Likewise, the 2nd Petitioner was the owner of a similar extent of 3.90 acres comprised in Survey No.189/4 which has been Sub Divided as S.No.189/4A and S.No.189/3 by virtue of a registered Release Deed dated 11.07.2018.



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The Petitioners have been in possession and enjoyment of their respective properties since then. The Petitioners would submit that originally these properties formed part of a larger extent of land measuring an extent of 14.10 acres in Sl.No.189. They are Dharmadayam Minor Inam Lands granted for the support of Choultry at Malapalayam. After the enactments of the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari), an enquiry was conducted by the Settlement Tahsildar II at Gobichettipalayam to decide the entitlement of persons to the Ryotwari Patta pertaining to S.No.189. The Settlement Tahsildar had rejected the claims of the owners under his Order dated 15.10.1968. Challenging the said Order, an appeal was preferred before the Minor Inams Tribunal at Coimbatore in C.M.A.No.588/69 on the file of the Principal Subordinate Judge Coimbatore. After an elaborate enquiry, the Order of the Settlement Tahsildar was set aside and an appeal was allowed by an Order dated 18.03.1972. Ryotwari Patta was directed to be issued to the Petitioners. Thereafter, several sales and purchases in respect of the said S.No.189 then ought to have been registered with the 3rd Respondent without any objections or obligations. The said S.No.189 has also been subdivided and Patta issued in favour of the Petitioners. Possession certificate has also been issued to the Petitioners. Further several transactions



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have taken place in respect of S.No.189 which would clearly show that the 4th Respondent has no claim over the said lands. The said Judgement of the Minor Inams Claim Tribunal was not challenged by the 4th Respondent. While so, in the month of September 2024 when the Petitioners made an enquiry with the 3rd Respondent Office for obtaining the encumbrance certificate, they came to learn that the 3rd Respondent stopped the registration of lands pertaining to the property comprised in Sl.No.189 and stated that the property belonged to the 4th Respondent. The Petitioners have already obtained Orders in their favour from the Minor Inam Claims Tribunal and the 4th Respondent has lost its case. The Petitioners have therefore sent several representations to the Respondents first of which is dated 28.08.2024, however, the representation has not been considered. Aggrieved by the same, the Petitioners are before this Court.

3. On hearing the counsels on either side and perusing the records produced before this Court, the Judges of the Minor Inams Tribunal namely the Principal Subordinate Court, Coimbatore has directed the Tahsildar Gobichettiapalayam to issue Patta to the appellants with reference to an extent 14.10 acres comprised in S.No.189 at Vavipalayam Village, Palladam



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Taluk, Tiruppur District.

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4. The order has attained finality in as much as the 4th Respondent herein namely the Executive Officer, Hindu Religious and Charitable Endowments Department have not challenged the said Order. Therefore, the Order having attained finality by stopping the Registration of the documents, the 4th Respondent is ineffect trying to overturn the Order passed by the Minor Inams Tribunal. Having suffered a decree and not challenging it, the 4th Respondent cannot restrain the Petitioners from dealing with their property. Therefore, the Writ Petition is allowed and the Respondents 2 and 3 are directed to remove the entries in their records that the subject lands are belonging to the 4th Respondent within a period of two (2) months from the date of receipt of a copy of this Order by referring to the order in CMA 588/1969 on the file of the Principal Subordinate Judge, Coimbatore. No costs. Consequently, connected Miscellaneous Petition is closed.

13.12.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
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P.T.ASHA, J.

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To

1. The Inspector General of Registration,
Santhome High Road,
Chennai.
2. The District Registrar, (Administration),
Tiruppur,
Tiruppur District.
3. The Sub Registrar,
Palladam,
Tiruppur District.
4. The Executive Officer,
Office of the Assistant Commissioner,
The Hindu Religious and Charitable Endowments Department,
Tiruppur.

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and
W.M.P.No.40330 of 2024

13.12.2024