



WP(MD). No.8018 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 03/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

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Adwaith Textiles Private Limited
114-A Senthottam
Sowripalayam, Coimbatore
through its Deputy General Manager
Finance and Accounts
P.Kalidas

... Petitioner

Vs

1. District Registrar,
District Collector Office Compound,
Thanthonimalai, Karur..

2. Sub Registrar,
SR Office Street,
Aravakurichi, Karur District..

3. Executive Officer,
Arulmigu Kalayana Pasupathiswaraswathy
Thirukovil, Sannathi Street, Karur..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to remove the classification relating to S.No. 571, comprising an extent of 9.90 acres situated at Venjamangudalur West Village,



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Aravakurichi Taluk, Karur District, in guideline register as temple land, provide the petitioner guideline value with respect to the same and permit the petitioner for registering documents with respect to S.No. 571/2 owned by it.

For Petitioner : Mr.Anand Chandrasekar for
M/s.Sarvabhauman Associates,
For Respondents : Mr.C.Satheesh for R1 & R2
Government Advocate
Mr.P.Athimoolapandian for R3

ORDER

This writ petition has been filed for a mandamus directing the 2nd respondent to remove the classification relating to S.No. 571, comprising an extent of 9.90 acres situated at Venjamangudalur West Village, Aravakurichi Taluk, Karur District, in guideline register as temple land, provide the petitioner guideline value with respect to the same and permit the petitioner for registering documents with respect to S.No. 571/2 owned by it.

2. The case of the petitioner is that the subject land in S.No.571 prior to 1962 was classified as a Devadayam minor inam land and entries in the revenue records namely settlement register shows the name of Vikradeeswaraswamy as the pattadar. After the Act 30 of 1963 came



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into force, *suo motu* enquiry was initiated by the Settlement Tahsildar in respect of S.No.571 and others. In the said enquiry, patta has been issued in favour of one Ramasamy and others holding that they are in possession of the land for more than 20 years. The said order reached finality and has not been challenged by the respondent temple. However a communication has been sent by the temple authorities to the Sub Registrar stating that the lands are temple lands. Based on that communication, the guideline register S.No.571 shows the lands as temple land. According to the petitioner, in view of the said entry, they are not in a position to deal with the property.

3. Counter has been filed by the third respondent admitting the proceedings initiated under Act 30 of 1963 and patta was also issued in favour of one Ramasamy and others under Section 8 of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 (hereinafter referred to as 'the Act'). It is the only contention that the Settlement Tahsildar ought to have fixed the amount as per Section 8(1) (b) of the Act 30 of 1963. However, no such proceedings were issued nor amount has been paid. Therefore, the petitioner cannot claim any



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right over the property, in view of Section 22A of the Registration Act, the land belong to the temple cannot be registered.

4. I have considered the rival submissions and perused the materials available on record.

5. The fact that proceedings under the Act has been initiated and even the same has not been challenged in any manner by the authorities and the patta issued by the Settlement Tahsildar in favour of one Ramasamy in respect of S.No.571 have not been disputed. The only contention raised in the counter is that the Settlement Officer ought to have fixed the consideration payable to the Government as per Section 8(2)(i)(b) of the Act. Therefore, still the title vests with the temple. It is relevant to note that the order of the Settlement Officer clearly indicated that the patta has been issued under Section 8(2)(i)(a) and 8(1) of the Act. The fact remains that the legislators were more conscious of fixing the consideration only when the person is in possession for a continuous period of 12 years immediately before the first day of April 1960, the persons are entitled to ryotwari patta if he pays the consideration to the



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Government as fixed by the authorities, whereas payment of such consideration has not been contemplated for the person, who is continuously in possession for a period of 60 years immediately before the first day of 1960. The Settlement Officer clearly recorded the fact that the person was in possession for more than 60 years. Only on that score, fixation has not been done as contemplated under Section 8(2)(i) (b), whereas patta has been issued only under 8(2)(a)(i) and 8(1) alone.

6. In such a scenario, having suffered an order and not taken any action so far for many years, now the temple cannot agitate their right in the form of communication to the Sub Registrar. It is also seen that subsequent proceedings has not been challenged, which has been admitted and no suit has been filed so far to establish the title. Therefore, once an order passed under Act 30 of 1963, it is binding on the parties under Section 46 of the Act. After several decades, when the right of the person crystallized by the statutory enactment cannot be infringed by mere application before the authorities. Therefore, having referred to the above provisions and the order has reached finality, it has a binding force and knowing very well about the proceedings, the temple has not



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challenged the same, it cannot resist the writ petition.

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7. In view of the above, the writ petition is allowed. There shall be a direction to the respondents to remove the entry in the guideline register and the petitioner is entitled to deal with the property and still the temple is of the view that they can establish the title, it is open to the temple to establish the title in the manner known to law. No costs.

03.09.2024

NCC : Yes/No

Index : Yes/No

RR

TO

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2. Sub Registrar,
SR Office Street, Aravakurichi, Karur District..



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N.SATHISH KUMAR,J

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