



W.A.(MD) No.169 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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1.Chinnathurai
2.Kuppathal

... Appellants/Petitioners

-VS-

1. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
2. The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Madurai.
3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dindigul.
4. The Inspector General of Registration,
Door No. 100, Santhome High Road,
Foreshore Estate, Pattinapakkam,
Chennai – 600 028.



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5. The Deputy Inspector General of Registration,
Madurai.

6. The District Registrar,
Palani,
Dindigul District.

7. The Sub Registrar,
Kallimanthayam,
Oddanchatram,
Dindigul District.

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order,
dated 16.02.2023, passed in W.P.(MD) No.11694 of 2022, on the file of this
Court.

For Appellant : Mr.J.Barathan

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader

J U D G M E N T

[Judgment of the Court was made by D.KRISHNAKUMAR, J.]

Challenge in this writ appeal is to the order dated 16.02.2023, passed
in W.P.(MD) No.11694 of 2022, by the Writ Court.



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2. According to the appellants, Ryotwari Patta has been granted to the subject property under Section 8 of the Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963. The appellants' forefather has purchased the said property by registered sale deed dated 11.08.1922. But the said property was included in the list of Scheduled properties published by the Commissioner, H.R. & C.E. Department. The appellants made a representation dated 12.03.2022 to the authorities to delete the said property from the said list of Scheduled properties on the ground that Ryotwari Patta has been granted under Section 8 of the Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 and the appellants' forefather purchased the same based on the said patta. Since, the said representation has not been considered, they filed the Writ Petition to direct the respondents 1 to 3 to delete the subject property from the said list. However, the said Writ Petition came to be dismissed on the ground that the same cannot be entertained by following the decision of this Court in ***Sudha Ravi Kumar – vs – Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department, Chennai [(2017) 3 CTC 135]***.



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3. As per Section 8 (2) (ii) of the Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, in the case of any other land, the institution or the individual rendering service shall, with effect on and from the appointed day, be entitled to a ryotwari patta in respect of that land. Therefore, the aforesaid Ryotwari Patta granted for the support or maintenance of a religious institutions or for the performance of a charity or service connected therewith or of any other religious charity in an iruvaram minor inam. The iruvaram was granted in favour of one Perumal for the purpose of doing services to the deity of the Temple. In such circumstances, the appellants cannot have any right to make any representation, seeking to delete the subject property from the list of Scheduled properties as published by the Commissioner, H.R. & C.E. Department. If the appellants have any right, it is open to them to workout their remedy in the manner known to law. If the appellants make such request, it is for the appropriate forum or authority to consider the same strictly in consonance with the provisions of the Act.



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4. With the above observations, this Writ Appeal is dismissed. No costs.

[D.K.K., J.] [R.V., J.]

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Index : Yes / No

Internet : Yes / No

SJ

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