



**W.P.(MD).No.24992 of 2019**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 26.09.2024**

**CORAM**

**THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ**

**W.P.(MD).No.24992 of 2019  
and  
W.M.P.(MD).No.21583 of 2019**

1.N.Kannadasan

2.S.K.Geetha

3.Kalavathi Prabhu

... Petitioners

**Vs.**

1.The Joint Commissioner of Hindu  
Religious and Charitable Endowment Department,  
Trichy.

2.The District Collector,  
Karur District,  
Karur.

3.The District Revenue Officer,  
Kulithalai,  
Karur District.

4.The Revenue Divisional officer,  
Kulithalai,  
Karur District.

5.The Tahsildar,  
Kulithalai Taluk,  
Kulithalai,  
Karur District.



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6.The Executive Officer/Administrator,  
Arulmigu Rathinagireeswarar  
Thirukovil Ayyarmalai,  
Kulithalai Taluk,  
Karur District.

7.The Sub Registrar,  
Kulithalai,  
Karur District.

...Respondents

*(R-7 is impleaded vide Court order dated 20.09.2024 in W.M.P.(MD).No.19075 of 2024 in W.P.(MD).No.24992 of 2019)*

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents from proceeding further to effect change of revenue records of the lands of the petitioners which are the subject matter of judgment and order dated 20.06.1988 in STA Nos.245 to 253 of 1978 batch cases.

|                      |                                                        |
|----------------------|--------------------------------------------------------|
| For Petitioners      | : Mr.Saleem<br>Senior Advocate for Mr.R.Murali         |
| For R-1 to R-5 & R-7 | : Mr.K.S.Selvaganesan<br>Additional Government Pleader |
| For R-6              | : Mr.Athimoolapandian                                  |

### **ORDER**

The present Writ Petition is filed praying for a writ of Mandamus to forbear the respondents from effecting change to revenue records of the lands of the petitioners, which are the subject matter of judgment of the Division Bench of this Court in STA Nos.245 to 253 of 1978 batch etc., dated 20.06.1988.



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2. The present Writ Petition is filed by the petitioners pursuant to a notice issued by the fourth respondent dated 14.08.2019 calling for an enquiry with regard to the proposed change in patta from the name of the third petitioner herein to that of the Arulmigu Rathinagireeswarar Temple.

3. Before proceeding further, it may be necessary to set out briefly the history of the litigation leading up to the impugned proceedings:-

(i) Originally, inams were granted in favour of the Devathasi/service doers out of pannai lands of Rathinagireeswarar Temple, Kulithalai Taluk, Karur District and ryotwari pattas were issued in their favour.

(ii) The ancestors of the first and second petitioners purchased properties from third parties, who rendered devadasi service and auxiliary service in Arulmigu Rathinagireeswarar Swamy Temple, Sivayam, Kulithalai Taluk.

(iii) Small extents of agricultural dry lands situated at Sathyamangalam Village, Kulithalai Taluk, Karur District are the absolute properties of the petitioners herein. The first and second petitioners have become owners of such lands by inheritance.

(iv) By an Act of the State, rendering of devadasi service and auxiliary service were declared illegal and were abolished/ prohibited. There were



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enfranchisement of inams granted for rendering such services and the occupants in possession of the lands became the owners of such properties.

Accordingly, the grantees and their successors in interest and alienees have become absolute owners of the said properties.

v) Several proceedings that took place between such persons holding service inam lands and the temple. Persons in possession of such inam lands were held to be entitled to grant of patta and the temple chose not to establish its rights. The petitioners/their ancestors, are the alienees of the enfranchisement inam lands from the said persons and as such they are the absolute owners of the said properties. They are in possession of the sale deeds as well as kist receipts to establish their continued ownership.

(vi) In the year 1967, the Settlement Tahsildar initiated *suo motu* proceedings against the claim of ryotwari patta in favour of third party purchasers and vide proceedings dated 12.07.1967, the Settlement Tahsildar held that the third party purchasers, viz., Seetharama Reddiar and Pappu Reddiar are not entitled for patta. The relevant portions of the order of Settlement Tahsildar is extracted below:

*“5. In the result, I hold that the enjoyers of the lands burdened with services to the deity who continue to do service are entitled to Ryotwari Patta for those lands under Section 8(2)(ii) read with 8(5) and that for the rest of the lands the temple of Sri*



*Rathnagreeswarar is entitled to Ryotwari Patta under Section 8(2)*

*(ii). The purchasers of these land have been made after 1948 and hence they do not attract Section 8(2) (i)(a) or 8(2)(i)(b).*

*Therefore the purchasers of the lands are not entitled to Ryotwari Patta for these lands. The names of the persons to whom Ryotwari Patta is allowed is also sanctioned in the Schedule against each Survey Number.”*

| S.No | Case No.    | S.No      | Extent | Service attached to the land | Persons entami-<br>ned as<br>Witnesses<br>etc. | Records<br>Produced<br>in<br>support | Present<br>enjoyer<br>of the<br>land | Whether<br>service<br>isdone by<br>the<br>enjoyer | Person<br>to who<br>R.P. Is<br>allowe<br>d    | Remar<br>ks  |
|------|-------------|-----------|--------|------------------------------|------------------------------------------------|--------------------------------------|--------------------------------------|---------------------------------------------------|-----------------------------------------------|--------------|
| 1.   | ....        | ....      | ...    | ...                          | ...                                            | ...                                  | ..                                   | ..                                                | ..                                            | ...          |
| 2.   | 1211/<br>67 | 421/<br>6 | 2.00   | Thuthi                       | Nalluswa<br>mi P1                              | Sale<br>deed<br>1064/64              | E.Papu<br>Reddi                      | No                                                | Sri<br>Rathn<br>agrees<br>warar<br>Templ<br>e | 8(2)<br>(ii) |
|      |             | 421/<br>8 | 4.09   | Dasi                         | Karnam<br>C.W.1                                | No<br>record                         | E.Papu<br>Reddi                      | No                                                |                                               |              |
|      |             | 422/<br>5 | 2.47   | Thalam                       | E.O.Objec<br>tion                              | Sale<br>Deed<br>164/64               | E.Papu<br>Reddi                      | No                                                |                                               |              |
|      |             | 427/<br>2 | 3.70   | Nattuva<br>m                 | Pappu<br>Reddi<br>PW2                          | Sale<br>Deed<br>4282/51              | E.Papu<br>Reddi                      | No                                                |                                               |              |
| 3.   | ..          | ..        | ..     | .                            | ..                                             | ..                                   | ..                                   | ..                                                | .....                                         | ..           |
| ..   | ...         | ...       | ..     | ..                           | ..                                             | ..                                   | ..                                   | ..                                                | ..                                            | ..           |
| 17.  | 1254/<br>67 | 450/<br>1 | 3.13   | Othu                         | Seethara<br>ma<br>Reddiar<br>P.W.I.            | 2246/52                              | Seethar<br>ama<br>Reddia<br>r        | No                                                |                                               |              |
|      |             | 450/<br>2 | 1.95   | Udal                         | Karnam<br>C.W.I.                               | 262/57                               |                                      | No                                                |                                               |              |
|      |             | 450/<br>3 | 5.42   | Dasi                         | E.O.Objec<br>tor                               | 962/52                               |                                      | No                                                |                                               |              |



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(vii) Challenging the above proceedings of the Settlement Tahsildar, Seetharama Reddiar and Pappu Reddiar filed appeals before the Inam Abolition Tribunal in C.M.A.No.329 of 1976 and C.M.A.No.306 of 1976 respectively. The Tribunal after considering the submissions allowed the appeals and set aside the proceedings of the Tahsildar vide order dated 30.11.1977. The relevant portions of the order of the Tribunal is extracted hereunder:

*"6. ...In the light of these facts it is contended that the notification order under the Act 30/63 is not correct. I think the contention appears to have much force. There is no gain saying the fact that devadasi service was abolished by statute. That being so, these lands ought to have been enfranchised. been done. Nevertheless the Settlement Tahsildar purported the Evidently, it has not Act under the provisions of the Tamilnadu Act 30/63. This being devadasi service inam lands it is not possible to bring them under any of the provisions of the Tamilnadu Act 30/63. Therefore the order made by the Settlement Tahsildar in this connection cannot be sustained.*

*7. There is also one other person to say that the order under appeal cannot be sustained. As pointed out by the Madras High Court in State of Tamilnadu Vs Ambalavana Pandara Sannadhi, Thiruvaduthurai Adheenam (1977 Tamilnadu Law notes Journal, page 171) the Tamilnadu Act 30/63 which deals with the abolition of minor inams did not provide for a machinery to decide whether an inam is a minor inam to which that Act would have application. Madras Act 31 of 1963 which is the Madras (Inams Supplementary) Act provided for the machinery. Having regard to the scheme of the Act, the Court is of the opinion that the question whether the notification made in 1965 under the Tamil Nadu Act 30/63 on the footing that the lands were minor inams would have to be decided only under the provisions of the Madras Act 31/63. That appears to be exactly the case here. As is seen this very matter should be decided only with reference to the Madras Act 31/63. So viewed, the jurisdiction exercised by the Settlement Tahsildar is not valid in law."*



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(viii) Challenging the said order, the sixth respondent temple filed appeals before the Division Bench of this Court in S.T.A.Nos.245 to 253 of 1978 etc., batch. The Division Bench, vide judgment dated 20.06.1988, dismissed the appeals by confirming the order passed by the Tribunal in Civil Miscellaneous Appeals and held that it is open to the appellant to institute civil suit. The relevant portions of the order is extracted hereunder:

*“ Irrespective of the findings of the authorities below, under Act 30 of 1963 it is well open to the appellant to institute civil suit as pointed out in Arumuga Chettiar and others vs. V.V.S.Subramanian (83 Law Weekly 980).*

*2. The appeals are, therefore, dismissed...”*

(xi) Thereafter, pattas were granted in favour of the petitioners in the years 2001 to 2004.

4. Having not filed any civil suit challenging the order of the Tribunal in C.M.A.Nos.306 and 324 of 1976 for more than 30 years, the sixth respondent has now preferred a complaint to the Revenue Divisional Officer/fourth respondent herein on 30.07.2019 for cancellation of patta in favour of the petitioners. Pursuant thereto, the fourth respondent issued notice to the third petitioner calling upon her for an enquiry with regard to cancellation of patta. It



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is this proceeding which is under challenge in the present writ petition.

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5. While so, at the instance of the sixth respondent, the Revenue Divisional Officer / fourth respondent herein issued impugned notice to the petitioners, which proceeds as if pattas have been wrongly granted to the petitioners herein and enquiry is to be held to issue pattas in favour of the sixth respondent. The third petitioner appeared before the fourth respondent and explained the fact that the matter was already concluded before the Inam Abolition Tribunal as well as before this Court and requested them not to proceed further. However, the fourth respondent insisted to proceed with the enquiry and proposed to pass orders to the effect that the petitioners do not have any right to hold pattas in their names and the same is liable for cancellation.

6. Against the above background, question arises as to whether the impugned proceedings calling for an enquiry to cancel the patta is within or in excess of the jurisdiction of the 4<sup>th</sup> Respondent.



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**7. Case of the petitioner:**

a) While notices have been issued to the third petitioner, no notices have been issued to the first and second petitioners. The patta in respect of the subject lands are in the names of all three petitioners. Thus, the threat of cancellation of patta poses threat to right to property of not only the third petitioner, but also the first and second petitioners and such threat to the property is real and imminent and not illusory or imaginary.

b) It is submitted that the order of the Division Bench has attained finality and the impugned proceedings is manifestly arbitrary and clearly in excess of the powers, inasmuch as the respondent/authorities have not chosen to file a suit nor initiated any Suit as assessed by this Court even for more than three decades after the judgment of the Division Bench of this Court in STA Nos.245 to 253 of 1978 etc., batch dated 20.06.1988.

c) The entire issue stands concluded by the Tribunal and the Division Bench of this Court in STA Nos.245 to 253 of 1978 batch etc., dated 20.06.1988, that the petitioners are the absolute properties of the petition mentioned properties and the right, title and interest over the property belongs exclusively to the petitioners and the respondent temple does not have even a semblance of right, title or interest over the subject property.



8. Case of the Respondents:

The learned counsel for the sixth respondent would on the other hand place reliance on the order of this Court in a Public Interest Litigation in W.P.(MD).No.9559 of 2019 dated 25.04.2019 in his attempt to justify the impugned action. The relevant portion of the order is extracted hereunder:

*“6. It is not known how the patta still remains in the name of the individuals despite an order being passed by the District Revenue Officer in his order dated 06.09.2016. The present incumbent has also produced before this Court subsequent proceedings, which is similar to the one that was passed in 2016.*

*7. It is in these circumstances, the 7<sup>th</sup> respondent is directed to cancel all the pattas stand in the name of individuals after issuing notice to the concerned individuals. The 10<sup>th</sup> respondent, who is the immediate authority, is directed to initiate proceedings for redeeming the lands of temple, which are either in the name of individual or in the illegal possession of individuals on the basis of patta issued in favour of such individuals in the manner known to law. The District Revenue Officer is directed to file a status report, within a period of three months from the date of receipt of a copy of this order and further order will be passed based on the report to be filed by the District Revenue Officer.*

*8. This Court further directs the District Revenue Officer, the 7<sup>th</sup> respondent herein to furnish the details of all the individuals in whose name patta stands as on date and the petitioner is directed to implead all the individuals whose names are found place in the*



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revenue records. The Sub Registrar, Kulithalai is also suo motu impleaded as the 17<sup>th</sup> respondent in this Writ Petition and he is restrained from registering any document with regard to temple property, including alienation.

9. The Sub Registrar, Kulithalai, the newly impleaded respondent is directed to file a report/affidavit as to how the registration of documents pertaining to temple lands have been permitted in favour of individuals.

10. Post the matter after three months.”

8.1. Reliance was also placed on the order of the learned Single Judge in W.P.(MD).Nos.25557, 24994 and 25588 of 2019 dated 31.01.2020. The relevant portion of the order is extracted hereunder:

“5. Upon instructions, the learned standing counsel appearing for the sixth respondent submitted that even before the order of injunction could be obtained, as early as on 05.10.2019, in various proceedings, patta in favour of the sixth respondent have been transferred and he produced the copy of the same downloaded and printed from the website of the Tahsildar.

6. A perusal of the extract shows that patta in respect of the land in dispute were also transferred in the name of the temple. In view of the same, all the writ petitions have become infructuous and it is open to the petitioners to take appropriate proceedings as they may be advised.

In the result, these writ petitions are dismissed. No Costs.



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*Consequently, connected miscellaneous petitions are closed.”*

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9. In response, it is submitted by the learned Senior Counsel for the petitioners that the above Public Interest Litigation (PIL) in W.P.(MD).No.9559 of 2019 dated 25.04.2019 is a general direction and moreover, only four private parties (petitioners not included) were arrayed therein as Respondents and the petition mentioned properties were not in issue. That in any view, it cannot be understood as nullifying the orders of Co-ordinate Bench of this Court in STA Nos.245 to 253 of 1978 etc., batch dated 20.06.1988. Therefore, the directions of this Court in the Public Interest Litigation in W.P.(MD).No.9559 of 2019 dated 25.04.2019 must be understood bearing in mind and consistent with the earlier orders of this Court, which are binding on the Co-ordinate Bench and ensure that conflict between the orders of this Court is avoided.

10. Having considered the submissions made on both sides before I proceed to examine the contentions on merits, it may be necessary to deal with the preliminary issue on maintainability of the writ petition.

**a) Preliminary objections on Maintainability of the Writ Petition:**

(i) It is submitted by the learned counsel for the respondents that the Writ Petition at the present stage is premature and cannot be entertained. Alternatively, it was submitted that only the third petitioner has been served



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with the notice and insofar as the first and second petitioners, there is no cause of action.

(ii) The learned Senior Counsel for the petitioner would submit that the Writ Petition is maintainable by all the petitioners inasmuch as notices have been issued to the third petitioner, that it is not premature as the impugned notice itself is contrary to the decision of this Court in S.T.A.Nos.245 to 253 of 1978 etc., batch dated 20.06.1988 and thus without jurisdiction. In respect of the first and second petitioners though notices are yet to be issued, the impugned notices to the third petitioner being in respect of the properties with regard to which, pattas are in joint names of all three petitioners and thus all three petitioners are aggrieved.

11. To a pointed question to the learned counsel for the respondents as to whether they propose to issue notice to the first and second petitioners, the learned counsel for the respondents would submit that they intend to and they have not yet issued notices to the first and second petitioners only in view of the pendency of the present Writ Petition.



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12. It is trite law that writ petition cannot be rejected on the premise that the proceedings are only in the realm of a threat and that unless the threat translates into an adverse order, no cause of action would arise. The above contention of the respondents that the writ petition is premature is contrary to the settled principles that one could approach the Court even against a threat of infringement of its right. A fortiori in the present case as the injury complained of involves invasion of right to property. The threat in the present case is real, unequivocal and not fanciful or imaginary. This would be evident and clear if we bear in mind that the respondent propose / intend to issue notice to the first and second petitioners as well. It is also settled that where there is an imminent threat of the right being infringed, Courts would entertain the writ petition and would not wait till the injury takes place or threat is translated into injury. In this regard, it may be useful to refer to the following judgments:

***i) Roop Chand v. State of Punjab, AIR 1963 SC 1503:***

“22. ....It may be that just now the right has not been affected and there is only a threat that it will be affected. But we think that the threat is sufficiently serious and the petitioner is not bound to wait till his right has actually been affected more particularly as it is not disputed that it would inevitably be affected.”

*(emphasis supplied)*



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**ii) *D.A.V. College v. State of Punjab, (1971) 2 SCC 261:***

*“5. A preliminary objection has been urged on behalf of the respondents that in a petition under Article 32, only where it is shown that there is a violation of fundamental right that the validity of the legislation or of the legislative competence can be raised and determined, but in these cases as there is no violation of Articles 14, 26, 29 and 30 of the Constitution the petitioners ought not be allowed to challenge the vires of the Act on the ground of the competence of the Legislature to enact the impugned law. This question has been dealt with fully in the batch of petitions in which we have just pronounced judgment, where we had also considered the contentions of the learned Advocate-General of Punjab and Shri Tarkunde, the learned Counsel for Respondent 2 in this behalf and hence we do not propose again to reiterate the reasons in support of the conclusion that a petition under Article 32 in which petitioners make out a prima facie case that their fundamental rights are either threatened or violated will be entertained by this Court and that it is not necessary for any person who considers himself to be aggrieved to wait till the actual threat has taken place.”*

*(emphasis supplied)*

13. Yet another reason as to why the preliminary objection raised by the Respondent is liable to be rejected is in view of the fact that while this Court is conscious of the fact that normally writ petition at stage of notice would not be entertained however exceptions to the above Rules is where the complaint against the proceeding is lack of jurisdiction. The impugned proceeding being contrary to the decision of this Court in S.T.A.Nos. 245 to 253 of 1978 etc., batch dated 20.06.1988, renders it bad for want of jurisdiction. In this regard, it may be relevant to refer to the decision of the Supreme Court in the case of East



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**India Commercial Co. Ltd. v. Collector of Customs, reported in 1962 SCC**

**OnLine SC 142 :**

*“31. ....We, therefore, hold that the law declared by the highest court in the State is binding on authorities or tribunals under its superintendence, and that they cannot ignore it either in initiating a proceeding or deciding on the rights involved in such a proceeding. If that be so, the notice issued by the authority signifying the launching of proceedings contrary to the law laid down by the High Court would be invalid and the proceedings themselves would be without jurisdiction.”*

14. Having found that the preliminary objection raised by the respondents lacks in merit, the same stands rejected.

15. While considering the case on merits, this Court is of the view that the impugned proceedings being contrary to the observations made by the Division Bench of this Court in STA Nos.245 to 253 of 1978, cannot be sustained and the Writ Petition must succeed in view of the following reasons:

A) No challenge to the order of the Division Bench in S.T.A.Nos.245 to 253 of 1978 results in issue attaining finality:

It is trite law that a party aggrieved by the invalidity of the order has to approach the superior Court for relief of declaration that the order against, is inoperative and not binding. In the present case, on a reading of STA Nos.245



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to 53 of 1978 batch etc., dated 20.06.1988, it is evident and clear that the respondent authorities have been directed or was rather granted liberty to file a suit to establish the right over the property. Instead of filing a suit, the Respondents after having remained dormant for more than three decades, has chosen to issue the impugned proceedings. It is important to note that the impugned proceedings have been initiated without even challenging the order of this Court in STA Nos.245 to 53 of 1978 batch etc., dated 20.06.1988. It is trite law that an order cannot be made ineffective by not complying with the directions. In this regard, it may be relevant to note the following judgments:

**a) *Commr., Karnataka Housing Board v. C. Muddaiah, (2007) 7 SCC 689 :***

*“32. We are of the considered opinion that once a direction is issued by a competent court, it has to be obeyed and implemented without any reservation. If an order passed by a court of law is not complied with or is ignored, there will be an end of the rule of law. If a party against whom such order is made has grievance, the only remedy available to him is to challenge the order by taking appropriate proceedings known to law. But it cannot be made ineffective by not complying with the directions on a specious plea that no such directions could have been issued by the court. In our judgment, upholding of such argument would result in chaos and confusion and would seriously affect and impair administration of justice. The argument of the Board, therefore, has no force and must be rejected.”*

*(emphasis supplied)*



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**b) State of Punjab v. Gurdev Singh, (1991) 4 SCC 1:**

*“10. It will be clear from these principles, the party aggrieved by the invalidity of the order has to approach the court for relief of declaration that the order against him is inoperative and not binding upon him. He must approach the court within the prescribed period of limitation. If the statutory time limit expires the court cannot give the declaration sought for.”*

*(emphasis supplied)*

**c) Pavithran v. State of Kerala, 2009 SCC OnLine Ker 6492:**

*“10. Whenever an adverse order is passed against a person, unless the same is challenged before the appropriate forum, within the prescribed time limit, the said order will become final and the person, affected by it, will also be bound by it. It is a well settled principle in Administrative Law that, there are no void orders in absolute sense in administrative matters. There are only voidable orders. Unless a person aggrieved takes recourse to the appropriate remedy at the appropriate time, even an illegal order will be treated as valid and binding. See the observations of Wade in Administrative Law, 6th Edn.*

*“The truth of the matter is that the court will invalidate an order only if the right remedy is sought by the right person in the right proceedings and circumstances. The order may be hypothetically a nullity, but the court may refuse to quash it because of the plaintiffs lack of standing, because he does not deserve a discretionary remedy, because he has waived his rights, or for some other legal reason. In any such case the ‘void’ order remains effective and is, in reality, valid. It follows that an order may be void for one purpose and valid for another, and that it may be void against one person but valid against another. A common case where an order, however void, becomes valid is where a statutory time limit expires after which its*



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*validity cannot be questioned. The statute does not say that the void order shall be valid; but by cutting off legal remedies it produces that result: ”*

*(emphasis supplied)*

**B) Reliance on the order in PIL in W.P.(MD).No.9559 of 2019 misplaced:**

Order in PIL does not nullify the order of the Division Bench in STA Nos.245 to 253 of 1978 batch etc., dated 20.06.1988. Now merely because in the PIL, certain directions have been issued, even assuming certain principles are laid, which is contrary to the order of the Court in S.T.A.Nos.245 to 253 of 1978, it would not confer jurisdiction to the authorities to act ignoring the order passed in S.T.A.Nos.245 to 253 of 1978. It is necessary to bear in mind that mere overruling of the principles, on which the earlier judgment was passed, by a subsequent judgment of higher forum would not have the effect of uprooting the final adjudication between the parties and set it at naught. In this regard, it may be relevant to refer to the following judgment:

***Neelima Srivastava v. State of U.P., (2021) 17 SCC 693 : 2021 SCC OnLine SC 610***

*29... Mere overruling of the principles, on which the earlier judgment was passed, by a subsequent judgment of higher forum will not have the effect of uprooting the final adjudication between the parties and set it at naught. There is a distinction between overruling a principle and reversal of the judgment. The judgment in question itself has to be.*



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assailed and got rid of in a manner known to or recognised by law. Mere overruling of the principles by a subsequent judgment will not dilute the binding effect of the decision inter partes.

30. .. The judgment of this Court in Gujarat Agricultural University [Gujarat Agricultural University v. Rathod Labhu Bechar, (2001) 3 SCC 574 : 2001 SCC (L&S) 613] inter partes has become final and is binding on the university. Even according to para 54 of Umadevi (3) case [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] , any judgment which is contrary to the principles settled in Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] shall be denuded of status as precedent. This observation at para 54 in Umadevi (3) case [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] does not absolve the university of its duty to comply with the directions of this Court in Gujarat Agricultural University [Gujarat Agricultural University v. Rathod Labhu Bechar, (2001) 3 SCC 574 : 2001 SCC (L&S) 613] .”

*(emphasis supplied)*

16. The order of this Court in S.T.A.Nos.245 to 253 of 1978 not having been challenged has attained finality in respect of the subject mentioned properties. The attempt by the Respondents to justify the impugned proceedings



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by placing reliance on the order in W.P.(MD)No.9559 of 2019 is misplaced inasmuch as it neither deals with the petition mentioned property nor are the petitioners party to the said proceedings. At the cost of repetition it may be necessary to reiterate that if the court reaching the finding has the jurisdiction to do so, such a finding, in the absence of an appeal, cannot be diluted merely on the ground that the reasoning is weak or that the finding is unnecessary. Some sanctity has to be attached to a finding which has been reached by a Court.

17. For all the above reasons, I find merit in the submission that the impugned proceedings is without jurisdiction inasmuch as it is contrary to the decision of this Court in S.T.A.Nos.245 to 253 of 1978 dated 20.06.1998. Accordingly, the impugned proceedings are set aside. The respondents may work out their remedy in the manner known to law.

18. In view thereof, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

**26.09.2024**

Index : Yes / No  
Internet : Yes/ No  
Lm/Nsr



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**To:**

1. The Joint Commissioner of Hindu Religious and Charitable Endowment Department, Trichy.
2. The District Collector, Karur District, Karur.
3. The District Revenue Officer, Kulithalai, Karur District.
4. The Revenue Divisional officer, Kulithalai, Karur District.
5. The Tahsildar, Kulithalai Taluk, Kulithalai, Karur District.
6. The Sub Registrar, Kulithalai, Karur District.



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