



S.A.Nos.186 to 189 of 2008  
& S.A.Nos.241 to 250 of 2008

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HONOURABLE Mr.JUSTICE S.S.SUNDAR

S.A.Nos.186 to 189 of 2008  
and S.A.Nos.241 to 250 of 2008  
and M.P.Nos.1 to 1 of 2008 in S.A.Nos.186 to 189 of 2008

**S.A.Nos.186 to 189 of 2008 :**

|                  |                                     |
|------------------|-------------------------------------|
| 1.Thangavelu     | ... Appellant in S.A.No.186 of 2008 |
| 2.Thamarai Selvi | ... Appellant in S.A.No.187 of 2008 |
| 3.Jaganathan     | ... Appellant in S.A.No.188 of 2008 |
| 4.Vairappan      | ... Appellant in S.A.No.189 of 2008 |

Vs

|                                                                                                                   |                            |
|-------------------------------------------------------------------------------------------------------------------|----------------------------|
| Arulmighu Ramanatha Swamy Koil<br>Represented by its Assistant Commissioner /<br>Executive Officer<br>Rameswaram. | ... Respondent in all S.As |
|-------------------------------------------------------------------------------------------------------------------|----------------------------|

**Common Prayer in S.A.Nos.186 to 189 of 2008 :** Second Appeals filed under Section 100 of CPC, praying to set aside the judgment and decree dated 13.09.2006 in A.S.No.86 of 2006, A.S.No.87 of 2006, A.S.No.88 of 2006, A.S.No.89 of 2006 on the file of the Court of the Subordinate Judge, Mannargudi, confirming the judgment and decree dated 30.06.2023 in O.S.No.114 of 1999, O.S.No.119 of 1999, O.S.No.120 of 1999, O.S.No.121 of 1999, on the file of the Court of the District Munsif, Thiruthuraipoondi.



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**S.A.No.241 of 2008 :**

- 1.N.Kathirvel
- 2.A.Thiyagarajan
- 3.V.Somasundaram
- 4.K.Manickavasagam
- 5.P.Samiappan
- 6.R. Valambal
- 7.P.Chandrasekaran
- 8.A.Nithayan
- 9.K.Shanmugam
- 10.M.Rajendran
- 11.V.Sambasivam
- 12.P.Thiyagarajan
- 13.V.Lakshmanan
- 14.P.Vadivelu
- 15.V.Jaganathan
- 16.V.Rathinaswamy
- 17.R. Valambal
- 18.V.Sardambal
- 19.N.Samiappan
- 20.V.Subramanian
- 21.R.Kumar
- 22.K.Nithyan
- 23.K.Anjammal

... Appellants

Vs

Arulmighu Ramanatha Swamy Koil  
Represented by its Assistant Commissioner /  
Executive Officer  
Rameswaram.

... Respondent



S.A.Nos.186 to 189 of 2008  
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**S.A.No.242 of 2008 :**

- 1.P.Sivabagiyam
- 2.P.Murugaiyan
- 3.G.Sivamai Devar
- 4.T.Mamutha Sarasamma
- 5.Ganesan
- 6.P.Vadivelu
- 7.S.Palanivelu
- 8.V.Dakshinamurthy
- 9.T.Vaduvambal
- 10.N.Nadimuthu
- 11.V.Govindaraju
- 12.R.Pannerselvam
- 13.B.Balayee
- 14.N.Munuswamy
- 15.N.Soundararaju
- 16.R.Saradambal
- 17.V.Veeraian
- 18.P.Subramanian
- 19.A.Selvaraj
- 20.V.Anandharaju
- 21.V.Vaithiyan
- 22.S.Pannerselvam
- 23.D.Annadurai
- 24.V.Shanmugam

Vs

... Appellants

Arulmighu Ramanatha Swamy Koil  
Represented by its Assistant Commissioner /  
Executive Officer  
Rameswaram.

... Respondent

**S.A.No.243 of 2008 :**



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- 1.S.Vasantha
- 2.R.Annappa
- 3.V.Janagi
- 4.V.Vaithiyanathan
- 5.M.Rajendran
- 6.S.Manivannan
- 7.S.Mani
- 8.M.Balasubramanian
- 9.P.Veeraian
- 10.S.Balasubramanian
- 11.Ramaswamy

Vs

... Appellants

Arulmighu Ramanatha Swamy Koil  
Represented by its Assistant Commissioner /  
Executive Officer  
Rameswaram.

... Respondent

**S.A.No.244 of 2008 :**

- 1.S.Subramanian
- 2.V.Srinivasan
- 3.C.Natesan
- 4.V.Jaganathan
- 5.V.Ramachandran
- 6.V.Palanivel
- 7.R.Kasinathan
- 8.U.Pushparani
- 9.L.Boopathy
- 10.V.Arumugam
- 11.C.Veerappan
- 12.M.Periyasamy
- 13.D.Srinivasan
- 14.V.Durairaju
- 15.S.Vairakannu
- 16.D.Annadurai



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17.C.Natesan  
18.M.Samikannu  
19.K.Pakkiri  
20.V.Balaiyan  
21.A.Maniyarasu  
22.V.Ayyavu

Vs

... Appellants

Arulmighu Ramanatha Swamy Koil  
Represented by its Assistant Commissioner /  
Executive Officer  
Rameswaram.

... Respondent

**S.A.No.245 of 2008 :**

1.A.Viswanathan  
2.D.Govindasamy  
3.M.Saradambal  
4.V.Kasinathan, S/o.Veerappan  
5.V.Kasinathan, S/o,Velayutham  
6.C.Ramaiyan  
7.N.Sundarambal  
8.M.Velu  
9.V.Saroja  
10.R.Veeramuthu  
11.I.Janagi  
12.I.Rajendran  
13.M.Ganesan  
14.T.Dharmalingam  
15.C.Thangaraju  
16.C.Somasundaram  
17.K.Sarangapani  
18.R.Subramanian  
19.V.Parvathy  
20.V.Jagannathan  
21.R.Veerammal



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22.S.Jeevanantham

23.B.Nithayyan

Vs

... Appellants

Arulmighu Ramanatha Swamy Koil  
Represented by its Assistant Commissioner /  
Executive Officer  
Rameswaram.

... Respondent

**S.A.No.246 of 2008 :**

1.M.Vedaiyan  
2.P.Chellaiyan  
3.V.Periyasamy  
4.S.Pushpavalli  
5.M.Mariyayi  
6.N.Panneer  
7.G.Subramanian  
8.V.Gandhimathi  
9.V.Sankar  
10.S.Varatharajan  
11.R.Krishnan  
12.N.Vaithiyan  
13.A.Sankari  
14.P.Veeraian  
15.R.Manonmani  
16.G.Ramachandran  
17.N.Maruthaiyan  
18.S.Navamani  
19.V.Kasinathan

Vs

... Appellants

Arulmighu Ramanatha Swamy Koil  
Represented by its Assistant Commissioner /  
Executive Officer  
Rameswaram.

... Respondent



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**S.A.No.247 of 2008 :**

- 1.C.Uthirapathy
- 2.R.Chellammal
- 3.V.Pandarinathan
- 4.D.Karnan
- 5.S.Narayanan Konar
- 6.S.R.Sabapathy
- 7.S.Kasinathan
- 8.K.Kayapal
- 9.P.Veeraian
- 10.M.Govindasamy
- 11.K.Jayaraman
- 12.R.Subramanian
- 13.B.Ramadoss
- 14.S.Murugaiyan
- 15.M.Kothandapani
- 16.V.Velukannu
- 17.N.Muthusamy
- 18.V.Govindaraju
- 19.Pottu
- 20.P.Chandrasekaran
- 21.K.Balaiyan
- 22.K.Sagadevan
- 23.Jayam

Vs

... Appellants

Arulmighu Ramanatha Swamy Koil  
Represented by its Assistant Commissioner /  
Executive Officer  
Rameswaram.

... Respondent

**S.A.No.248 of 2008 :**



S.A.Nos.186 to 189 of 2008  
& S.A.Nos.241 to 250 of 2008

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- 1.K.Sarangapani
- 2.V.Vaithiyanathan
- 3.B.Chinnathambi
- 4.R.Muthaiyan
- 5.R.Kandaswamy
- 6.G.Elumalai
- 7.V.Veeramuthu
- 8.V.Nadimuthu
- 9.S.Veeraian
- 10.K.Panneer
- 11.V.Somu
- 12.N.Annamalai
- 13.V.Veeraian
- 14.V.Rathinam
- 15.K.Kalimuthu
- 16.S.Ramasamy
- 17.Vaithilingam
- 18.V.Chidambaram
- 19.G.Thayumanavan
- 20.S.Vaithilingam
- 21.N.Kuthappan
- 22.K.Krishnammal

... Appellants

Vs

Arulmighu Ramanatha Swamy Koil  
Represented by its Assistant Commissioner /  
Executive Officer  
Rameswaram.

... Respondent

**S.A.No.249 of 2008 :**

- 1.N.Kandasamy
- 2.V.Govindasamy
- 3.R.Chandramohan
- 4.R.Viswanathan



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5.C.Govindaraju  
6.S.Rajagopal  
7.S.Rajendran  
8.T.Anbarasi  
9.V.Thangaraju  
10.N.Ramasamy  
11.U.Pushparani  
12.V.Vairamuthu  
13.K.Vairappan  
14.B.Tamaraiselvi  
15.V.Kathalingam  
16.P.Pothiappan  
17.V.Vairappan  
18.T.Masilamani  
19.N.Elangovan  
20.N.Palanisamy  
21.G.Thangavelu

Vs

... Appellants

Arulmighu Ramanatha Swamy Koil  
Represented by its Assistant Commissioner /  
Executive Officer  
Rameswaram.

... Respondent

**S.A.No.249 of 2008 :**

1.V.Govindaraju  
2.D.Ramachandran  
3.K.Subramanian  
4.V.Selvaraj  
5.K.Ramamurthy  
6.K.Durairaj  
7.K.Veerappan  
8.V.Arumaikannu  
9.V.Dhanapakkiam  
10.B.Govindasami



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11.R.Ganesan  
12.V.Thirunavukkarasu  
13.R.Uthirapathy  
14.R.Somu  
15.M.Pichaikannu  
16.V.Velukannu  
17.P.R.Palanichami  
18.R.Ramanathan  
19.R.Vadivel  
20.D.Durairajan  
21.R.Dharmarajan  
22.V.Veeraian  
23.R.Meirajan

... Appellants

Vs

Arulmighu Ramanatha Swamy Koil  
Represented by its Assistant Commissioner /  
Executive Officer  
Rameswaram.

... Respondent

**Common Prayer in S.A.Nos.241 to 250 of 2008 :** Second Appeals filed under Section 100 of CPC, praying to set aside the judgment and decree dated 13.09.2006 in A.S.No.171 of 2006, A.S.No.172 of 2006, A.S.No.173 of 2006, A.S.No.174 of 2006, A.S.No.175 of 2006, A.S.No.176 of 2006, A.S.No.177 of 2006, A.S.No.178 of 2006, A.S.No.179 of 2006, A.S.No.194 of 2006 on the file of the Court of the Subordinate Judge, Mannargudi, confirming the judgment and decree dated 01.07.2023 in O.S.No.25 of 1999, O.S.No.74 of 1999, O.S.No.14 of 1999, O.S.No.13 of 1999, O.S.No.71 of 1999, O.S.No.72 of 1999, O.S.No.87 of 1999, O.S.No.73 of 1999, O.S.No.37 of 1999 and O.S.No.16 of 1999 respectively on the file of the Court of the District Munsif, Thiruthuraipoondi.

For Appellant/  
For Appellants : Mr.A.Muthukumar  
(in all cases)



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For Respondent : Mr.A.Bharathi  
(in all cases) for Mr.Kandhan Duraisamy

### **COMMON JUDGMENT**

There are two batch of second appeals. The first batch of appeals, namely S.A.Nos.186 of 2008 to 189 of 2008 have been preferred by the defendants in the four suits filed by the respondent and the second batch of cases namely S.A.Nos.241 to 250 of 2008 have been filed by plaintiffs in the suits. Since the issue raised in all the appeals are one and the same, all the appeals are clubbed together and taken up for disposal.

2. The respondent Arulmighu Ramanathasamy Temple at Rameshwaram as plaintiff, which is under the control of HR&CE Department had instituted independent suits against 105 individuals before the District Munsif Court, Thiruthuraipoondi, for declaration of title in respect of the suit properties comprised in R.S.No.460/1, 465/1, 468/2, 490/3, 491 and 481/1 situated in Veeranvayal Village, Thiruthuraipoondi, claiming that the suit properties belonged to temple and for recovery of possession of suit properties by vacating the defendants who had been in occupation. The said



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suits were taken on file in a batch 105 cases viz., O.S.No.112/1999 & batch.

The trial Court vide its judgment and decree dated 30.06.2003, held that the suit property belonged to the temple and decreed the suit. It also directed the defendants therein to vacate and hand over possession within a period of two months i.e., on or before 30.08.2003. Aggrieved by the said judgments and decrees, the defendants in O.S.No.114/1999, O.S.No.119/1999, O.S.No.120/1999 and O.S.No.121/1999 preferred independent appeals before the Sub Court, Mannargudi, and the same was taken on file as A.S.No.86/2006, A.S.No.87/2006, A.S.No.88/2006 and A.S.No.89/2006. The first appellate dismissed the said appeals filed by the defendants and confirmed the decree of the trial Court. Challenging the said dismissal, the defendant in the respective suits are before this Court in S.A.No.186 of 2008, S.A.No.187 of 2008, S.A.No.188 of 2008 and S.A.No.189 of 2008.

3. The individuals who had been in possession of the properties detailed in Item No.1 to 25 in the suit schedule, have filed suits in O.S.No.13/1999, O.S.No.14/1999, O.S.No.16/1999, O.S.No.25/1999, O.S.No.37/1999, O.S.No.71/1999, O.S.No.72/1999, O.S.No.73/1999,



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O.S.No.74/1999 and O.S.No.87 of 1999 before the District Munsif Court, Thiruthuraipoondi against Arulmighu Ramanathasamy Temple, Rameshwaram, the respondent in these appeals, for a permanent injunction, not to dispossess them from the suit schedule property, without due process of law. The trial Court vide its common judgment and decree dated 01.07.2003, dismissed all the suits. Aggrieved by the common judgments and decrees of the trial Court, the respective plaintiffs preferred first appeals in A.S.No.171/2006, A.S.No.172 of 2006, A.S.No.173 of 2006, A.S.No.174 of 2006, A.S.No.175 of 2006, A.S.No.176 of 2006, A.S.No.177 of 2006, A.S.No.178 of 2006, A.S.No.179 of 2006 and A.S.No.194 of 2006 before the Sub Court, Mannargudi. The first appellate Court vide its common judgment and decree dated 13.09.2006, confirmed the decree of the trial Court and dismissed the first appeals filed before it. The individuals who were unsuccessful both before the trial Court and first appellate Court, are before this Court in S.A.No.241 of 2008, S.A.No.242 of 2008, S.A.No.243 of 2008, S.A.No.244 of 2008, S.A.No.245 of 2008, S.A.No.246 of 2008, S.A.No.247 of 2008, S.A.No.248 of 2008, S.A.No.248 of 2008, S.A.No.249 of 2008 and S.A.No.250 of 2008.



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4. For easy reference, the temple would be referred to as the plaintiff/respondent and the individuals would be referred to as appellants/defendants.

5. The facts that are admitted in this batch of second appeals are that the suit properties in all the cases are situated in Veeranvayal Village, Thiruthuraipoondi Taluk. Originally, Veeranvayal Village was a Inam village. Inam was granted in favour of the plaintiff-temple. After the introduction of Inam Estates Abolition Act [Act.26/1963], the Inam right granted to the temple was taken over. The temple claiming right to both warams, applied for Ryotwari patta under the provisions of Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 (in short 'Act 26/1963'). It is not in dispute that the Assistant Settlement Officer conducted enquiry and granted Ryotwari patta to the temple in recognition of its pre-existing right. Though some of the defendants/appellants herein challenged the order of the Settlement Officer before the Tribunal in C.M.A.No.49/79, it is seen that the Tribunal allowed the appeal and remanded the matter back to the



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& S.A.Nos.241 to 250 of 2008

WEB CAM Assistant Settlement Officer for fresh enquiry. However, the Settlement Officer after holding full enquiry, once again had confirmed the original order granting Ryotwari patta to the temple. Thereafter, in the year 1982, some of the individuals, the defendants preferred an appeal in CMA.No.30/82 before the Inam Abolition Tribunal and the said Inam Abolition Tribunal dismissed the appeal, thereby confirming the order of the Assistant Settlement Officer. Aggrieved by the dismissal of the appeal, the said defendants preferred an appeal before this Court in S.T.A.No.4/1992. This Court vide order dated 27.11.1996, dismissed the appeal in S.T.A.No.4/1992 and therefore, the defendants were even unsuccessful before this Court.

6. Thereafter, some of the aggrieved preferred an S.L.P. before the Hon'ble Supreme Court challenging the order passed in S.T.A.No.4/1992, but they were unsuccessful even before the Hon'ble Supreme Court, and by order dated 05.01.1998, the Special Leave to Appeal was dismissed and the findings of the Inam Tribunal was confirmed by Hon'ble Supreme Court.



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7. The plaintiff-temple would contend that they are the absolute owners of the suit properties and that the defendants without having any legal right over the property, are enjoying the property unlawfully. Therefore, the plaintiff temple had filed the aforesaid suits claiming declaration of title and consequential relief for recovery of possession and mense profits.

8. The defendants filed their written statement contending that the ryotwari patta granted to Inam lands was only for the purpose of collecting revenues for the Government. That apart, it is contended that the inam granted to the plaintiff-temple was limited to a certain extent, and that the Ryotwari patta granted to the plaintiff-temple is not final and conclusive, as it does not extinguish the pre-existing rights of the occupants of the lands, namely the defendants who had been there in possession for more than a century.

9. This apart, in a short span of time, the defendants along with similarly aggrieved persons filed independent suits in O.S.No.13/1999,



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WEB C O.S.No.14/1999, O.S.No.16/1999, O.S.No.25/1999, O.S.No.37/1999,  
O.S.No.71/1999, O.S.No.72/1999, O.S.No.73/1999, O.S.No.74/1999 and  
O.S.No.87 of 1999.

10. According to the plaintiff-temple, the inam granted to them was in respect of both warams i.e., Melwaram and Kudiwaram. However, this was disputed by the defendants on the ground that the temple is entitled to only Melwaram and that the defendants and villagers of Veeranvayal Village are entitled to Kudiwaram rights in the lands, as they were in possession and occupation for more than a century.

11. The trial Court after framing necessary issues, held that the defendants neither proved their title nor possession over the property, therefore they have no title over the suit property. The trial Court in fact relied upon some of the admissions made by the tenants. It is further pointed out that during cross-examination, one of the tenant has also admitted that both the warams are in favour of the temple.





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and all those suits came to be decreed. However, only four defendants in the said suits had preferred the first appeals in A.S.No.86 of 2006, A.S.No.87 of 2006, A.S.No.88 of 2006 and A.S.No.89 of 2009, challenging the decree of the trial Court (O.S.No.114 of 1999, O.S.No.119 of 1999, O.S.No.120 of 1999 and O.S.No.121 of 1999). However, the findings of the trial Court were confirmed by the lower appellate Court in the aforesaid four first appeals. This apart, the independent suits filed by the villagers of the Veeranvayal Village also faced a dismissal before the trial Court, and that they were even unsuccessful before the first appellate Court in establishing their possession.

15. Aggrieved by the decrees of trial Court as well as the first appellate Court, the private individuals are before this Court in a batch of aforesaid second appeals.

16. The following substantial questions of law are raised in all the appeals irrespective of the facts that in a batch of cases the suits were filed by private persons for injunction :



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*"1. Whether the plaintiff temple can claim title and its entitlement to both the warams merely on the basis of grant of patta under the Inam Abolition Act?*

*2. Whether the learned Subordinate Judge erred in holding that the defendant is not entitled to Kudiwaram rights when P.W.1 has categorically admitted that the defendant is in possession atleast from 1914?*

*3. Whether the suit for possession against the cultivating tenant is maintainable in Civil Court even if there is denial of title in the face of the bar under Sec.3(2) (d) of the Tamil Nadu Cultivating Tenants' Protection Act 1955?"*

17. The findings of the trial Court are unassailable. The title of the temple had been upheld by the Settlement Authority under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 [Act 26/1948]. Even though the civil Court can independently go into the question of title and its jurisdiction is not barred, the civil Court has elaborately dealt the cases and held that the plaintiff-temple had proved the title and that they are entitled to both the warams. Even though the appellants/defendants claim Kudiwaram rights, there is no acceptable evidence to prove their case. Some



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of the tenants during cross-examination have admitted the title and right of the temple, holding both warams. No evidence was let in to show that the private individuals had been in possession or for payment of rent as a lessee. In such circumstances, this Court finds the judgment of the trial Court and the lower appellate Court are perfectly in order. There is no question of law much less a substantial question of law arise for consideration. No other points are canvassed to substantiate possession of any of the private individuals who filed suits for bare injunction.

18. To conclude, this Court finds no merit in the appeals and all the appeals are hence dismissed accordingly. The decrees of the first appellate court confirming the decree of the trial court, are hereby confirmed. There shall be no order as to costs.

07.02.2025

Index : Yes / No  
Speaking order / Non-speaking order  
Neutral Citation : Yes / No

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To:

- 1.The Sub Judge  
Mannargudi.
- 2.The District Munsif  
Thiruthuraipoondi.
- 3.The Section Officer  
VR Section  
High Court, Madras.



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