IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 19189 of 2022
and WMP No. 18494 of 2022

Rani

Petitioner(s)

Vs

1. The District Collector
Ariyalur District, Ariyalur

2.The District Revenue officer
Cum Additional District Magistrate
Ariyalur District, Ariyalur.

3.The Revenue Divisional officer
Udayarpalayam Revenue Division,
Udayarpalayam, Ariyalur District

4.Competent Authority and
Special District Revenue officer
(Land Acquisition)
National Highways Authority,
Trichirapalli

5.The Tashildar
Udayarpalayam Taluk,

Udayarpalayam,
Ariyalur District.

6.The Executive Officer
Arulmigu Pragatheeswarar Temple
Guruvallapar Koil Village
Udayarpalayam Taluk,
Ariyalur District

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of thee impugned order passed by the 2nd respondent dated 22.03.2022 in Na.Ka.Aa2 / 4002 / 2020 and quash the same, and consequently direct the 4th respondent to pay the remaining compensation amount of Rs.44,08,250/- for the petitioner's land in S.No.125/2B, to an extent of 6 cents, Guruvallaparkoil village, Udayarpalayam Taluk, Ariyalur District as per the award proceedings dated 27.12.2019 in additional award No.18/2019-20 (in Na.Ka NH1/282/2018).

For Petitioner(s):	Mr.Chenthoori Pugazendhi
For Respondent(s):	Mr.M.R.Goukul Krishnan Additional Government Pleader for R1 to R5 Mr.N.R.Arun Natrajan Special Government Pleader for R6

ORDER

When the writ petition came up for hearing on 11.03.2025, this Court passed the following order:

> *This writ petition has been filed challenging the proceedings of the second respondent dated 22.03.2022 and for a consequential direction to the fourth respondent to pay the remaining compensation amount of Rs.44,08,250/- to the petitioner pursuant to the award proceedings dated 27.12.2019 in Additional Award No.18/2019-20.*
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> *2. Heard Mr.Chenthoori Pugazendhi, learned counsel for the petitioner, Mr.M.R.Gokulkrishnan, learned Additional Government Pleader appearing for respondents 1 to 5 and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for sixth respondent.*
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> *3. The case of the petitioner is that the subject property in Survey No.125/2B measuring an extent of 6 cents was classified as a natham land and it was allotted for construction site under Section 3 of the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971, in favour of Mani, who is*

none other than the father-in-law of the petitioner. After the assignment was made, the assignee was in possession and enjoyment of the property and on his demise, the petitioner's husband inherited the property. He executed a settlement deed dated 13.11.2013 in favour of the petitioner and settled the property. The document was registered as document No.1836 of 2013. After the settlement was made, the petitioner was in possession and in enjoyment of the property and the revenue records also stood in favour of the petitioner.

4. The fourth respondent initiated acquisition proceedings under the National Highways Act for acquiring lands to form the four lane towards Chidambaram to Trichy National Highways (NH 227). The lands belonging to the petitioner were acquired and the compensation amount was fixed for the land and building to the tune of Rs.86,54,918/- through proceedings dated 27.12.2019. The fourth respondent deposited only a sum of Rs.42,46,168/- in the account of the petitioner and the petitioner also withdrew this amount. The balance amount of Rs.44,08,250/- was not paid to the petitioner.

5. The petitioner made a representation before the first respondent in this regard and the same was forwarded to the *fourth respondent. The fourth respondent issued a notice to the petitioner and the petitioner attended the enquiry. Since no further orders were passed by the fourth respondent, the petitioner filed W.P.No.25708 of 2021 before this Court to direct the respondents to pay the balance compensation amount of Rs.44,08,250/-. This writ petition was disposed of by an order dated 03.12.2021 by directing the fourth respondent to consider the claim made by the petitioner within a period of four (4) weeks.*

6. In the mean time, the second respondent, based on the representation made by the sixth respondent dated 05.10.2020 issued notice for cancellation of the patta that stands in the name of the petitioner. The second respondent conducted an enquiry and through the impugned proceedings dated 22.03.2022 directed the patta to be restored in the name of the sixth respondent temple relating to the land in Survey No.125/2B measuring an extent of 0.02.5 ares. Aggrieved by the same, the present writ petition has been filed before this Court.

7. The fourth respondent has filed a counter affidavit. The fourth respondent has reiterated the reasons assigned in the impugned order passed by the second respondent. According to *the fourth respondent, the sixth respondent temple was granted 'iruvara urimai' under Act 30 of 1963 through proceedings dated 13.02.1971 for an extent of 0.26 cents of land in Survey No.125/2 and patta was issued under Section 8(2)(ii) of Act 30 of 1963. Thereafter, a sub-division took place and survey No.125/2 was sub-divided as 125/2A in the name of the temple for an extent of 0.08.0 ares. The Survey No.125/2B was classified as Arasu Poramboke (Natham). Based on the same, the assignment was made in favour of the petitioner's father-in-law. Later, it was found that based on the Inam Fair Register and the Re-Settlement Register, patta was already granted in favour of the sixth respondent temple to the total extent of 0.26 cents in Survey No.125/2 and accordingly, the second respondent has cancelled the patta that stood in the name of the petitioner and restored the same in the name of the temple. Accordingly, the fourth respondent has sought for the dismissal of this writ petition.*

8. The sixth respondent has also filed a counter affidavit. The sixth respondent has taken a stand that the Settlement Tahsildar already conducted an enquiry and passed an order on 13.02.1971 in favour of the sixth respondent to an extent of 0.26 cents in Survey No.125/2 and Patta No.2311 was assigned in *favour of the sixth respondent temple. This vital fact has been concealed and due to the wrong sub-division that took place subsequently, it was shown as if the temple was the owner of the property only insofar as Survey No.125/2A is concerned, measuring an extent of 0.20 cents and the balance 0.06 cents was classified as 'Arasu Poramboke' (Natham) measuring an extent of 0.06 cents and it was assigned in favour of the petitioner's father-in-law. According to the sixth respondent, this assignment will not bind the sixth respondent since the patta stood in the name of the temple for the entire extent of 0.26 cents in Survey No.125/2 and 0.06 cents were carved out and was assigned behind the back of the temple and the same does not bind the temple. In view of the same, the sixth respondent has contended that they are entitled for the entire extent of land and the petitioner will not be entitled for the payment of the balance compensation amount as was claimed by the petitioner.*

9. This Court has carefully considered the submissions made on either side and the materials available on record.

10. The following issues arise for consideration in the present writ petition:

(a) When the assignment was made in favour of the petitioner's

father-in-law by the District Collector through allotment order dated 20.04.1974, was it not within the knowledge of the first respondent that already the Settlement Tahsildar through proceedings dated 13.02.1971 has assigned the patta bearing No.2311 in favour of the sixth respondent temple ?

(b) *In the allotment order, it is seen that the petitioner's father-in-law was in possession of the property from 19.06.1971 and based on the same, the assignment was made on the ground that this land was classified as natham. The petitioner's father-in-law had also constructed the house and they have been living in the property since then till the acquisition proceedings took place in the year 2019. If that is so, why is that the sixth respondent temple never objected to the land being assigned to the petitioner's father-in-law and they came into the scene only in the year 2020 ?*

(c) *Whether there are any materials available to show that the father-in-law of the petitioner was aware about the settlement proceedings conducted by the Tahsildar under Act 30 of 1963 and in spite of the same, he continued to occupy the property and subsequently, it came to be assigned in his favour in the year 1974 ?*

(d) *Will not the impugned proceedings of the District Revenue Officer dated 22.03.2022 virtually nullify the proceedings of* *the District Collector dated 20.04.1974 and thereby, take away a right that was created over the property in favour of the petitioner's father-in-law, which ultimately came into the hands of the petitioner ?*

(e) If the claim made by the sixth respondent temple is sustained based on the order passed by the Settlement Tahsildar dated 13.02.1971, whether the petitioner will have to repay part of the compensation amount that was received to the tune of Rs.42,46,168/- ?

(f) If ultimately the temple is held to be the absolute owner of the total extent of 0.26 cents in Survey No.125/2 and the compensation that was fixed under the acquisition will have to entirely go in favour of the temple, who will compensate the petitioner for the lands that were assigned in favour of the petitioner's father-in-law and thereby, a right was created over the land. This is on the principle of Ubi jus ibi remedium.

11. Learned counsel appearing on either side shall address all the above issues and based on the same, final orders will be passed in this writ petition.

12. Learned Special Government Pleader appearing on *behalf of the sixth respondent shall produce the copy of the proceedings of the Settlement Tahsildar dated 13.02.1971 for more clarity.*

Post this writ petition under the caption '<u>Part Heard Cases</u>' on 18.03.2025.

2.The writ petition was thereafter heard on 08.04.2025 and the following order was passed by this Court:

Pursuant to the earlier order passed by this Court on 11.03.2025, additional affidavits have been filed by R3, R4 and R6. Insofar as R3 namely, the RDO is concerned, he has answered the issues raised by this Court as follows:

"When the assignment was made in favour of the petitioner's father-in-law by the District Collector through allotment order dt.20.04.1974, was it not within the knowledge of the first respondent that already the Settlement Tahsildar through proceedings dated 13.02.1971 has assigned the patta bearing No.2311 in favour of the sixth respondent temple?

Reply submitted to the above Issues:

i) It is submitted that the demised property comprised in Kuruvalappar Kovil Survey No.125/2B admeasuring an extent of 06 cents *were originally assigned to one Mani by the then Revenue Divisional Officer, Ariyalur, under the Act of Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971 and not by the District Collector.*

The First and foremost condition to the above said Assignment Order is

1.இந்த ஒப்படை தவறாக செய்யப்பட்டது. அல்லது தவறான தகவலின்பேரில் அல்லது மோசடியாக செய்யப்பட்டது என்றோ அல்லது நடைமுறையில் முறைகேடு ஏதேனும் உள்ளதென்றோ காணப்பட்டால், இந்த ஒப்படை மாற்றப்படுவதற்கு அல்லது ரத்து செய்யப்படுவதற்து உட்பட்டதாகும்.

(The Assignment made, if found to be wrong or made on wrong information or by fraud or there are irregularities in the formalities, the assignment will be either transferred are cancelled.

ii) In this connection it is submitted that A/m.Veera Narayana Perumal Thirukoil owns an extent of 26 cents lands in Guruvalappar Koil Revenue Village Survey No.125/2. Even as per Re-Settlement Register the demised land is a temple land, under Title Deed No.2311. Furthermore in the 1927 Re-Settlement Faisalathi Register, the said extent in the above Village, the name of the Pattadhar for the lands are in the name of Sri Veera Narayana Perumal under TD No.2331. Also the above said lands were taken over by Tamil Nadu Minor Inam Abolition Act, 30 of 1963 and after detailed examination, the Settlement Tahsildar has found out that in respect of the Survey No.125/2, the said Thirukoil has

"Iruvara Urimai". Accordingly by order under Act 30 of 1963 UDM Taluk/378/70 dt.13.02.1971 for the extent of 26 cents lands comprised in Survey No.125/2, Patta has been issued in the name of Trustee Veera Narayana Perumal Temple U/s.8(2)(ii).

C) Whether there are any materials available to show that the father-in-law of the petitioner was aware about the settlement proceedings conducted by the Tahsildar under Act 30 of 1963 and in spite of the same, he continued to occupy the property and subsequently, it came to be assigned in his favour in the year 1974?

Reply:

It is submitted that the averments in the Reply to the Issues a & b are once again reiterated. As already narrated the then Revenue Divisional Officer, Ariyalur has made the Assignment in favour of petitioner's father-in-law as an occupant of the demised property under Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971.

D) Will not the Impugned Proceedings of the District Revenue Officer dated 22.03.2022 virtually nullify the proceedings of the District Collector dated 20.04.1974 and thereby, take away a right that was created over the property in favour of the petitioner's father-in-law, which ultimately came into the hands of the petitioner?

Reply:

i) First and foremost it is submitted that the Assignment Order was issued by the then Revenue Divisional Officer, Ariyalur and not by the District Collector to the peitioner's father-in-law. Hence the Impugned Proceedings of the District Revenue Officer dt.22.03.2022 will not virtually nullify the proceedings of the then Revenue Divisional Officer dt.20.04.1974.

ii) In this connection it is submitted that in the Assignment Order itself as per condition No.1 was categorically stated that if the Assignment is found to be wrong, the same will be cancelled.

iii) In the instant case the demised properties comprised in Survey No.125/2 of Guruvalappar Koil Revenue Village was anciently owned by A/m.Veera Narayana Perumal Thirukoil and to this effect as already reiterated Inam Fair Register, Title Deed No.2331 and Patta issued by Settlement Tahsildar under Act 30 of 1963 are available.

iv) However during UDR subdivisions have been effected and Patta has been given to individuals as detailed below.

		Before UDR			***After UDR***	
Village	*Survey No.*	*Extent*	*Name of the Pattadhar*	*Survey No.*	*Extent*	*Name of the Pattadhar*
Guruvalappar Koil	*125/2*	*0.26*		*125/2A*	*0.08.0*	*A/m.Veera Narayana Perumal Thirukoil*
				125/2B	*0.02.5*	*Natham*

		Before UDR			**After UDR**	
						Venkatesan, S/o.Manikandan , Rani, W/o.Venkatesan

v) Accordingly the wrong entries in the UDR have been recitified by the Competent Authority, the Jurisdictional District Revenue Officer, Ariyalur, the 2nd Respondent herein."

2. The fourth respondent namely, the competent authority and Special District Revenue Officer has answered the queries posed by this Court as follows:

"4. Accordingly I humbly submit that the Reply to the following issues by way of this Additional Counter affidavit

d) If the claim made by the sixth respondent temple is sustained based on the order passed by the Settlement Tahsildar dt.13.02.1971, whether the Petitioner will have to repay part of the compensation amount that was received to the tune of Rs.42,46,168/-

Reply

i) It is submitted that for the property acquired from the Petitioner Award has been passed by the Competent Authority as below.

Survey Number of the Acquired Land	***125/2B***
Land cost per sq.mtr.	*Rs.801.75*
Extent in Sq.mtr.	*75sq.ft.*
Land Value	*60101.25*
Multiplier at 1.25	*75126.56*
Cost of Construction	***4246168.00***
Cost of Trees	*0*
Total	***4321294.56***
100% Solatium	*4321294.56*
Additional Compensation Amount of 12% at land cost	*10867.62*
Total compensation amount	*8653456.74*
Rounded of	***8653457.00***

ii) At this juncture it is submitted that the Executive Officer of the Temple through letter dt.01.11.2021 has stated that in as much as the demised land is owned by the Temple and however buildings have been constructed by the Petitioner, the Temple has no objection is disbursing the cost of construction to the petitioner.

iii) Furthermore the Petitioner while attending the Enquiry before the Special Tahsildar conducted in the subject matter has requested for the payment of the construction cost. Accordingly in the above Award amount the component pertaining to construction cost to the tune of Rs.42,46,168.00 has been paid to the petitioner.

iv) On that score the Petitioner need not repay the above amount in this subject matter.

e) If ultimately the temple is held to be the absolute owner of the total extent of 26 cents in

Survey No.125/2 and the compensation that was fixed under the acquisition will have to entirely go in favour of the temple, who will compensate the Petitioner for the lands that were assigned in favour of the Petitioner's father-in-law and thereby, a right was created over the land. This is on the principle of Ubi Jus ibi remedium.

Reply

i) It is submitted that as already reiterated the demised land acquired in the instant case is a temple land and to this effect the 2nd Respondent has issued Proceedings. However as already stated the Petitioner has been compensated towards the cost of construction amounting to Rs.42,46,168/- already. Hence the temple is only entitled to the total land cost in the Award.

ii) Furthermore in as much as the Petitioner's father-in-law has been given Assignment only on the basis of an occupant under

the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act 1971. However the Assignment has since been cancelled. Accordingly no right has been created over the demised land in favour of Petitioner's father-in-law. Hence the principle of Ubi Jus ibi remedium is not applicable to the facts and circumstances of the instant case."

3. The sixth respondent Temple has answered the queries raised by this Court as follows:

4) I humbly submit that as per the direction of this Honorable Court I have hereby submit our explanation to the above raised issues which is as follows:

Explanation for issue "a"

Originally the land to an extent of 26 cents in S.No.125/2, in Guruvallaparkoil Village belongs to Minor Deity Arulmighu VeeraNarayana Perumal Temple. Before UDR, as per the SLR and RSLR, the Patta bearing No.TD2311, for the above said land to an extent of 26 cents stood in the name of the temple. The Settlement Thasildar, after conducting enquiry Under Section 8(2)(ii) of the Minor Inam Abolition Act, 30/1963, passed order on 13.02.1971 in UDM.Tk/378/70, for the land to an extent of 26 cents, inclusive of 6 cents in S.No. 125/2B, of the above land in S.No. 125/2, had assigned patta bearing No.2311, in the name of the Minor Deity Arulmighu VeeraNarayana Perumal Temple.

By suppressing the above facts, one Mani, the father-in-law of the Petitioner, on 20.04.1974, fraudulently obtained assignment order in K.5/73, with respect to the land to an extent of 6 cents in S.No. 125/2B, in Guruvallaparkoil Village. Whereas the deity is the owner of the said property.

The Revenue Divisional officer Udayarpalayam and the Revenue Divisional officer, Ariyalur sent letters to the District Collector stating that the records of 1974 relating to the assignment of Patta issued in favour of the father in law of the Writ Petitioner have not been traced out from the records.

<u>*Explanation for issue "b"*</u>

Out of the 0.02.20 Ares of land in Survey no 125/2B, an extent of 0.0075 Ares only was acquired by the national Highway Department. The remaining lands stand in the name of the 6th Respondent temple. In respect of mutation of patta, necessary application was made by the 6th Respondent before the District Revenue officer, in the enquiry proceedings conducted by the District Revenue officer, the Writ Petitioner had not appeared as he does not possess any supportive documents. The subject land is situated in remote Village, and one Mr.Anandakrishnan the Employee of the 6th Respondent temple deposed in the enquiry that there was encroachment o construction in the subject land till the year 2011.

After came to know about the Acquisition proceedings by Gezette Notification No. 296 serial No. 345(E) dated 14.02.2011, with intention to get compensation, the Writ Petitioner made the temporary superstructure on the subject land after the year 2011, which has been accepted by the Writ Petitioner, but in the document registered in the year, the Writ Petitioner misrepresented that the building was 6 years old. It is false to state that the Writ Petitioner had been in continuous possession.

As per the Abolition of Inam lands register of the year 1971, there are 52.42 Acres of land belonged to the temple. Out of which 20.25 Acres of land was auctioned on 12.03.2023 and 05.03.2025. And 6.43 Acres of land is registered in Temple demand and collection register. Further 2.49 Acres of land was appealed before the District Revenue officer. The *remaining lands have been surveyed through the land surveyors of HR&CE Department. It is further submitted that the name of Mani S/o. Mottaiyan which was placed in Natham patta of 1974, had not been placed in the abolition of Inam Register of 1971.*

As such the father in law of the Writ petitioner was not in possession of the property in the year 1971. In the Settlement Tahsildar proceedings, his name was not seen, if the father in law of the Writ Petitioner was in possession in the year 1971, he would have objected in the Settlement Tahsildar proceedings. But in the year 1974, the father in law of the Writ petitioner would have fraudulently obtained assignment in his favour as though he was in possession by constructing a superstructure which is not possible.

Hence the assignment patta obtained in favour of the father in law of the Writ Petitioner is a fraudulent document and is not valid in the eye of law and the impugned order passed by the Revenue Divisional officer is legally valid.

Explanation for issue "c"

After issuing Patta in the name of the temple, the father-in-law of the Petitioner, on 20.04.1974, obtained assignment order in K.5/73, with respect to the land to an extent of 6 cents in S.No. 125/2B, out of the lands in Survey No. 125/B of the Village which will prove that the father in law of the Writ Petitioner must aware of the issuance of Patta in favour of the temple by the Settlement Tahsildar. The Revenue Divisional officer Udayarpalayam and the Revenue Divisional officer, Ariyalur sent letters to the District

Collector stating that the records of 1974 relating to the assignment of Patta issued in favour of the father in law of the Writ Petitioner have not been traced out from the records.

The father in law of the Writ Petitioner was not in continuous possession and the Patta assigned in favour of him was illegal.

Explanation for issue "d"

It is humbly submitted that the Joint Commissioner HR&CE Trichy made an application before the District Revenue officer vide Na.ka.No. 9421/2020/a3- dated 05.10.2020 to cancel the patta standing in the name of the Writ Petitioner and to issue Patta in favour of the temple in respect of the subject land of an extent of 6 cents in S.No. 125/2B of the Village.

More over vide letters dated 08.11.2021 and 11.11.2021 sent by the District Collector Ariyalur the Pattadhars were summoned to appear for enquiry before the District Revenue officer. The District Revenue officer conducted enquiry in respect of mutation of pattas of the Writ Petitioner and some others and on the basis of the order passed by this Honourable Court in W.P. No. 25708 of 2021 filed by the same Writ Petitioner.

The District Revenue officer, the 2nd Respondent herein after giving opportunity to all the parties, had found out that the land belongs to the temple and had cancelled the patta in the name of the Writ petitioner and rightly directed to mutate the Patta bearing No.11 for the land in S.No. 125/2B to *an extent of 6 cents, in the name of the temple.*

Explanation for issue "e"

The Temple and the deity is the absolute owner of the property as per he title deed and as per the records. The order of Settlement Tahsilar also confirmed the title of the temple over the subject property. Hence the receipt of compensation by the Writ Petitioner is illegal and she has to return the same to the Temple along with interest. It is humbly submitted that necessary steps will be initiated to get the compensation and recover from the Writ Petitioner.

Explanation for issue "f"

It is humbly submitted that the Temple is the owner of the property of the entire extent of 26 cents in Survey no. 125/2 of the Village and the entire compensation that was fixed under the acquisition will have to entirely go in favour of the Temple.

The father in law of the Writ Petitioner had fraudulently got sub division Patta suppressing the fact that the Temple was issued patta by the Settlement Tahsildar. Hence the alleged right of the father I law of the Writ Petitioner is illegal and invalid in the eye of law. If there is a right, there is a remedy, but the alleged right of the Writ Petitioner is invalid. The right created in favour of the father in law of the Writ Petitioner is not absolute and the patta issued in favour of him is liable to be cancelled as rightly cancelled by the District Revenue officer.

I humbly submit that, since the deity is a minor, the Court is having role to protect the property of the deity on Parens Patria Jurisdiction. The doctrine of Parens Patria Jurisdiction, evolved from CharanlalSahus case. Following the ratio laid down by Supreme Court, in A.A. Gopalan's case, this Court, in W.P.No. 20237/2021 dated 22.09.2021, held as follows;

"d) The temple lands vest in the idol, idol being of minor status in law, this Court is guardian. In other words, this Court is parenspatriae and this principle was reiterated by Hon'ble Supreme Court in A.A. Gopalakrishnan case [A.A. Gopalakrishnan Vs. Cochin Devaswom Board and Ors., reported in (2007) 7 SCC 482] wherein Hon'ble Supreme Court held that it is the duty of the Courts to protect and safeguard the properties of religious and charitable institutions. Therefore, in my parenspatriae capacity i.e., parenspatriae capacity of this Court and custodialegis qua temple properties that vest in idol in minor status, I deem it appropriate to say that the prayer which on first blush came across as innocuous, cannot be acceded to.

5). I humbly submit that the Writ petitioner is also not entitled for the part compensation amount of Rs.42,46,168/-, that is already received by them and the temple authorities are taking necessary steps to recover the above said amount, hence the Writ Petition is liable to be dismissed. It is humbly submitted that this Honourable Court may be pleased to direct the Writ Petitioner to return back the compensation received by her to the temple."

4. On going through the explanation provided by the third and fourth respondents, it is quite apparent that the Revenue Divisional Officer, Ariyalur through proceedings dated 20.04.1974 has assigned the land to an extent of 6 cents in favour of Mani under the Tamil Nadu Occupants of Kudiyiruppu (Conferment of Ownership) Act, 1971. The third respondent by pointing out to Clause 1 of the condition attached to the assignment, has taken a stand that if the assignment is found to be wrong or vitiated by fraud or it suffers from any irregularities, the same is liable to be cancelled. The third respondent has also recognized the right claimed by the sixth respondent Temple with respect to the subject property for the entire extent of 26 cents. After having recognized such a right, the third respondent has taken a stand that the father-in-law of the petitioner was aware about the assignment proceedings under Act 30 of 1963 and inspite of the same, he continued to occupy the property and as a result, the subject property measuring an extent of 6 cents was assigned in his favour. Thus, the third respondent after having recognized the right of the sixth respondent Temple, also points out to one of the condition of assignment which states that the assignment can be cancelled under certain contingencies.

5. Admittedly, in this case, the assignment was never cancelled and the assignee and his family continue to live in the property for more than five decades. As stated in the earlier order, the actual dispute arose only at the time of determination of compensation after the lands were acquired.

6. Insofar the fourth respondent is concerned, the said authority has taken a stand that the sixth respondent Temple is the absolute owner of the subject property. That apart, the amount of Rs.42,46,168/- that was paid to the petitioner was towards the superstructure and therefore, the petitioner need not repay back the amount and that the balance amount towards land cost will be paid to the Temple.

7. The sixth respondent Temple has taken a very clear stand that the assignment made in favour of the petitioner's father-in-law will not bind the Temple since the Settlement Tahsilder after conducting the enquiry under Section 8(2)(ii) of the Tamil Nadu Minor Inam Abolition Act, 30/1963 passed an order on 13.02.1971 in favour of the Temple for the entire 26 cents which also includes the 6 cents which was assigned in favour of the petitioner's father-in-law. In view of the same, the subsequent assignment that was made in favour of the petitioner's father-in-law to an extent of 6 cents cannot have any bearing on the right and title of the sixth respondent Temple. The *sixth respondent Temple has also raised a ground that the petitioner's father-in-law was aware about the assignment made in favour of the sixth respondent Temple in the year 1971 and that he was not in possession of the property at that point of time and that he had fraudulently obtained the assignment in his favour as though he was in possession of the property.*

8. Accordingly, the sixth respondent Temple has taken a stand that the assignment that was made in favour of the petitioner's father-in-law is vitiated by fraud. The sixth respondent Temple has taken a further stand that the entire compensation amount has to be paid in favour of the sixth respondent Temple and that the compensation that has already been withdrawn by the petitioner must also be directed to be recovered.

9. On considering the answers that have been given by respondent Nos.3, 4 and 6 to the queries that were raised by this Court in the earlier order dated 11.03.2025, it is quite pellucid that the order passed by the Settlement Tahsildar under Act 30 of 1963 dated 13.02.1971 gives the Temple an absolute right over the property. Therefore, the subsequent assignment of an extent of 6 cents in favour of the petitioner's father-in-law, will not bind the sixth respondent Temple. As a result, it is the sixth respondent Temple which will be entitled for the compensation *for the acquisition of 6 cents of lands out of the total extent of 26 cents that belongs to the Temple.*

10. In the light of the above finding, the next issue to be answered is with respect to the right that has been acquired by the petitioner's father-in-law and subsequently the petitioner who have been in possession and enjoyment of the subject property for more than five decades after the assignment was made by the Revenue Divisional Officer through proceedings dated 20.04.1974. The mistake committed by the revenue authorities in assigning the land in favour of the petitioner's father-in-law, may not bind the sixth respondent Temple but however having assigned the land in favour of the petitioner's father-in-law, which resulted in the possession and enjoyment of the property for more than five decades, the petitioner must also be paid the compensation for the acquisition of lands. This is in view of the fact that the occupation of the petitioner's father-in-law, followed by the petitioner is a legal occupation pursuant to the assignment order dated 20.04.1974. If that is so, the petitioner cannot be left in lurch for the mistake committed by the revenue authorities. As a consequence, the petitioner will also be entitled for the payment of compensation for the lands acquired to an extent of 6 cents.

11. It is quite unfortunate that for the very same lands, the authorities will have to now pay compensation both to the petitioner as well as the sixth respondent Temple. There is no escape from this consequence and the authorities have invited trouble on themselves by issuing an assignment order in the year 1974 without taking note of the order passed by the Settlement Tahsildar under Act 30 of 1963 on 13.02.1971.

12. It is true that payment of compensation to both the petitioner and the sixth respondent Temple is going to burden the public exchequer. However, that cannot be a reason to deprive the right of the petitioner to receive a fair compensation and also the right of the sixth respondent Temple to get the compensation for the very same lands.

13. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 5 seeks for a short accommodation to take instructions in this regard.

14. Post this writ petition under the caption "Part Heard" on 22.04.2025.

3.The matter was listed for hearing today, only to enable the learned Additional Government Pleader appearing on behalf of the respondents 1 to 5 to take instructions on the payment of compensation both to the petitioner as well as the 6th respondent temple.

4.The learned Additional Government Pleader produced the written instructions received from the District Collector. The relevant portions are scanned and extracted hereunder:

அரியலூர் மாவட்டம், உடையார்பாளையம் வட்டம், குருவாலப்பர் கோவில் கிராம புல எண் 125/2-ல் தேசிய நெடுஞ்சாலை 227-ல் சாலை அகலப்படுத்தும் திட்டத்திற்காக நிலக்கையகம் செய்யப்பட்டது. கையகம் செய்யப்பட்டு, மொத்த இழப்பீட்டுத்தொகையில் கட்டுமானத்திற்கான தொகை ரூ.42,46,168/- மட்டும் ரிட் மனுதாரருக்கு வழங்கப்பட்டுள்ளது. இந்நிலையில் நிலமதிப்பு சதுரமீட்டருக்கு ரூ.801.35 வீதம் கையகம் செய்யப்பட்ட 75 ச.மீ. நிலத்திற்கான இழப்பீட்டுத்தொகை REFCTLARR Act 2013 -ன் படி ரூ.1,61,121/-ம், கட்டுமானத்திற்கான 100 % ஆறுதல் தொகை ரூ.42,46,168/- ம் நிலுவையில் வைக்கப்பட்டுள்ளது.

இந்நிலையில் இழப்பீட்டுத்தொகை வழங்குவது குறித்து பார்வையில் காணும் மாண்புமிகு சென்னை உயர்நீதிமன்ற ஆணையின்படி உரிய வழிமுறைகள் வழங்க கோரப்பட்டுள்ளது. இந்நேர்வு குறித்து உரிய வழிமுறைகளை சமர்ப்பிக்க தனி மாவட்ட வருவாய் அலுவலர், நிலம் எடுப்பு, புதுக்கோட்டை (4-ம் பிரதிவாதி) அவர்களுக்கு அறிவுறுத்தி கடிதம் அனுப்பப்பட்டுள்ளது.

எனவே இந்நேர்வு குறித்து உரிய வழிமுறைகளை பெற்று வழங்கிட 20 நாட்கள் காலஅவகாசம் பெற்றுத்தருமாறு கேட்டுக்கொள்கிறேன்.

5.The above instructions does not deal with the main issue that was raised by this Court with respect to the payment of compensation to the petitioner and the 6th respondent temple. The instructions merely states that particulars have been called for to determine the value of the property.

6.In the light of the reasoning that was given in the earlier order dated 08.04.2025, there shall be a direction to the 1st respondent to disburse the remaining compensation amount to the petitioner with respect to the subject property in S.No.125/2B measuring an extent of 6 cents, within a period of six weeks from the date of receipt of copy of this order. Similarly, there shall be a direction to the 1st respondent to disburse the entire compensation amount to the 6th respondent temple also, within a period of eight weeks from the date of receipt of copy of this order.

7.In the result, this writ petition stands allowed with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

22-04-2025

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

To

1. The District Collector
Ariyalur District, Ariyalur

2.The District Revenue officer
Cum Additional District Magistrate
Ariyalur District, Ariyalur.

3.The Revenue Divisional officer
Udayarpalayam Revenue Division,
Udayarpalayam, Ariyalur District

4.Competent Authority and
Special District Revenue officer
(Land Acquisition)
National Highways Authority,
Trichirapalli

5.The Tashildar
Udayarpalayam Taluk,
Udayarpalayam,
Ariyalur District.

6.The Executive Officer
Arulmigu Pragatheeswarar Temple
Guruvallapar Koil Village
Udayarpalayam Taluk,
Ariyalur District

N.ANAND VENKATESH J.

ssr

WP No. 19189 of 2022

22-04-2025