



S.A.(MD) No.508 of 2008

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.12.2025

CORAM:

THE HONOURABLE MRS JUSTICE N. MALA

S.A.(MD) No.508 of 2008

The Idols of Sri Jambukeswarar
and Akilandeswari of the Temple of
Jambukeswarar and Akilandeswari,
Thiruvaniokoil,
Trichy Taluk by its Executive Officer,
Devasthanam Compound,
Thiruvanaikoil, Trichy Taluk

... Appellant/Appellant/Plaintiff

Vs.

Rasaiyan

... Respondent/Respondent/Defendant

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code against the judgment and decree dated 30.10.1993 made in A.S. No.327 of 1991 on the file of Principal District Court, Tiruchirappalli, confirming the judgment and decree dated 30.04.1991 made in O.S. No.110 of 1979 on the file of Principal District Munsif Court, Tiruchirappalli.

For Appellant : Mr.T.Antony Arulraj

For Respondent : Mr.T.Lenin Kumar



S.A.(MD) No.508 of 2008

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JUDGMENT

The unsuccessful plaintiff before the courts below is the appellant in the Second Appeal. The Second Appeal is filed against the confirming judgment of the lower appellate court in A.S.No.327 of 1991 on the file of Principal District Court, Tiruchirappalli.

2. For narrative convenience, the parties are referred to as per their rank before the trial Court.

3. The plaintiff is the temple of Sri Jambukeswarar and Akilandeswari, Tiruchirappalli represented by its Executive Officer. According to the plaintiff, the suit land is Iruvaram Inam land granted in favour of the plaintiff temple by inam title deed No.722. The plaintiff states that twin interests of Melawaram and Kudiwaram vested in the temple. By the proceedings in case No.54/70, on 16.05.1970 ryotwari patta was granted to the plaintiff temple. The plaintiff states that the suit land is a portion of the land comprised in its title deeds including in the order of the Settlement Tahsildar. According to the plaintiff, the order of the Settlement Tahsildar



S.A.(MD) No.508 of 2008

was not appealed and thus attained finality. The plaintiff states that the first defendant is in actual possession and enjoyment of the suit land and is cultivating the same. The plaintiff states that the first defendant failed to pay rent to the plaintiff and therefore the defendant's possession of the suit property is unlawful. The plaintiff therefore issued a registered lawyer's notice on 19.09.1978, calling upon the defendant to surrender possession of the suit land to it. The defendant issued a reply notice on 11.10.1978 raising evasive and untenable issues. The plaintiff therefore filed the suit for the relief of recovery of possession of the suit property, for past *mesne* profits, for future *mesne* profits and for costs.

4. The defendant filed a written statement denying the issues raised in the plaint apart from claiming title. The defendant contended that the property belong to one T.S.Palaniandava Mudaliar and that he purchased the same from him for valuable consideration of Rs.17,500/- under a registered sale deed dated 01.08.1973. According to the defendant, the extent given in the plaint was incorrect since the actual extent of the property was 1 acre and 60 cents in Survey No.104 in Appadurai Village.



S.A.(MD) No.508 of 2008

5. The defendant contended that his vendor and his ancestors were in possession of the suit property for over 100 years, exercising right of full ownership over the property. The defendant denied that the plaintiff possessed Keelavaram right to the property. The defendant contended that no notice of enquiry in the settlement proceedings by the Settlement Tahsildar, was served on him. The defendant contended that the settlement proceedings were not conclusive on title and the same had to be adjudicated before the civil court. According to the defendant, there were unimpeachable documents to show that the suit property had been in exclusive possession and enjoyment of the defendant's vendor's grand-father Velara Mudaliar. The defendant further contended that long before the notified date, the property ceased to be a service inam as contemplated by Act 30/1963, and that the ancestors of the defendant's vendor had not rendered any service and did not pay any amount to the plaintiff. The defendant contended that after the proceedings in A.S.No.37 of 1859 before the Civil Court, Trichy, the ancestors of the defendant's vendor agreed to pay a rent of Rs.4/- per Cawnie of wet land and Rs.1/- per Cawnie of dry land and that the said arrangement continued till 1903.



S.A.(MD) No.508 of 2008

WEB COPY

6. The defendant contended that the plaintiff represented by the then Trustees filed a suit in O.S.No.50 of 1903 before the District Munsif Court, Srirangam, against the father of the defendant's vendor viz. one Sankaralinga Mudaliar for possession, past profits and other reliefs on the premise that the lands formed part of the lands granted by the Government in favour of the plaintiff temple as Thirumanjanam Service inam lands. The suit was compromised on 12.08.1903 and therefore the defendant contended that the compromise decree was binding on the parties and their privies. The defendant contended that having enjoyed the benefit of the terms of the compromise memo, the plaintiff was barred both on the grounds of estoppel by conduct and estoppel by judgment from instituting the present suit. The defendant contended that abolition of the Inam did not clothe the plaintiff with any better right to the prejudice of this defendant. The defendant contended that his predecessors-in-title had prescribed permanent occupancy status in the suit property even before the introduction of Section 109 of Hindu Religious and Charitable Endowments Act, and hence, he could not be evicted from the suit property as long as he continued to pay the melwaram agreed to in A.S.No.37 of 1859 on the file of the Civil Court, Tiruchirappalli.



S.A.(MD) No.508 of 2008

The defendant on the basis of the aforesaid contentions prayed for the dismissal of the suit.

7. Before the trial court, the plaintiff examined one witness as P.W.1 and and marked 67 documents as Ex.P.1 to Ex.P.67 and the defendant examined 16 witnesses as D.W.1 to D.W.16 and marked 131 documents as Ex.D.1 to Ex.D.131.

8. The trial court, on appreciation of the evidence on record, framed the necessary issues. On the basis of evidence on record, the trial court dismissed the suit by judgment dated 30.04.1991. Aggrieved by the judgment of the trial court, the plaintiff preferred an appeal. The lower Appellate Court vide the impugned judgment and decree dismissed the appeal confirming the judgment and decree of the trial court. Aggrieved by the concurrent judgments of the courts below, the plaintiff has filed the present Second Appeal.

9. While admitting the Second Appeal, this Court framed the following substantial questions of law:



S.A.(MD) No.508 of 2008

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"Whether the Courts below are correct in dismissing the suit filed by the appellant for recovery of possession on the ground that there was no prayer for declaration of title, when the plaintiff sought for recovery of possession based on his title?"

10. The learned counsel for the appellant submitted that against the concurrent and common judgment of the courts below, the temple had preferred Second Appeals in S.A.Nos.924 of 1998, 968 to 972 of 1997, 611 of 2002 and S.A(MD)No.388 of 2017 batch, against some of the defendants in the suit. This Court by a common judgment and decree dated 28.08.2025 allowed the Second Appeals. The learned counsel for the appellant submitted that the judgment of this Court in the abovesaid connected Second Appeals squarely applied to the facts of the present Second Appeal and hence prayed that the Second Appeal be allowed. The learned counsel also produced a copy of the judgment of this Court dated 28.08.2025, passed in the aforesaid Second Appeals.

11. In the judgment dated 28.08.2025, this Court, while noting that various substantial questions of law were raised in SA.Nos.924 of 1998 etc batch and finding that the substantial questions of law raised in those appeals



S.A.(MD) No.508 of 2008

were common in nature, grouped them. The substantial questions of law Nos. 6 and 7 at paragraph No.43 are similar to the issues raised in the present appeal and as such relevant for the purpose of the present Second Appeal. This Court discussed the said substantial questions of law in paragraph Nos. 43.1 to 43.4 as follows:

"43.1. The lands in question are admitted Iruvaram Inam lands that were supported by Inam Title Deed No.722 (Ex.A52). After the abolition of minor Inams under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, the Settlement Tahsildar conducted the statutory enquiry in Case No.54/1970 and granted ryotwari patta to the Temple. This grant was first challenged and remitted for a fresh enquiry in C.M.A.No.64 of 1977. After the remand, fresh pattas were again issued in favour of the Temple on 23.05.1977 (Exs.A2 and A3), and the subsequent inam appeal was dismissed on 05.01.1978 (Ex.A4). The matter was then taken before this Court in S.T.A.No.280 of 1978, where the statutory orders granting patta to the Temple were finally confirmed.

43.2. At no stage has any party succeeded in setting aside these statutory orders, and therefore the pattas have attained finality. Although liberty was given to the defendants to approach the civil court, none of them filed any civil suit to challenge or set aside the patta. Thus, the statutory determination of title in favour of the Temple was completed, confirmed, and left unchallenged in the civil forum.



S.A.(MD) No.508 of 2008

43.3. Tuning to the legal effect of these facts, the Act provides a pmplete and special procedure for deciding what rights survive after the abolition of the inam tenure. Under Sections 8 and 11, the Settlement Officer has the authority to enquire into and determine such rights, and Section 46 states that the orders passed under the Act are final. Therefore, when a patta is granted after a full statutory enquiry and that grant is confirmed in appeal, the patta is not a mere revenue entry. It reflects a statutory adjudication of title, and ownership contemplated under the Act. Allowing a civil court to reopen the same question of ownership indirectly in a suit for possession would undermine the unless it is set aside by a competent civil court, it stands as the legal proof of purpose of the inam-abolition framework and the finality that the statute expressly provides. The Courts below therefore erred in treating the issue of title as if no statutory enquiry had taken place.

43.4. This conclusion also answers the contention that the Temple's suits were defective because they did not contain a prayer for declaration of title. The general rule that a plaintiff must seek a declaration before seeking possession applies only where the title is doubtful or requires judicial determination. In the present case, the Temple's title was not doubtful; it was supported by the Inam Title Deed and by pattas granted after statutory enquiry and confirmed on appeal. Since no defendant ever filed a civil suit to challenge those pattas, the statutory adjudication of title stands undisturbed. In such circumstances, the Temple was not required to again seek a



S.A.(MD) No.508 of 2008

declaration. A suit for recovery of possession was an appropriate remedy to enforce rights that had already been legally recognised.

12. This Court notes that multiple Second Appeals have been preferred challenging the common judgment rendered by the courts below and the present appeal is one among them. It is further evident that the substantial question of law arising for consideration in this Second Appeal is identical to the substantial questions of law raised in the aforesaid batch of Second Appeals. In view thereof, the judgment extracted supra and rendered in the said batch of Second Appeals squarely governs the present case as well. Accordingly, following the judgment dated 28.08.2025 in S.A.NO.924 of 1998 batch, the present Second Appeal stands allowed. No costs.

18.12.2025

Index : Yes/ No
Speaking order / Non-speaking order
Neutral Citation : Yes / no
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S.A.(MD) No.508 of 2008

To:

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- 1.The Principal District Court,
Tiruchirappalli
- 2.The Principal District Munsif Court,
Tiruchirappalli.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court
Madurai.



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S.A.(MD) No.508 of 2008

N.MALA.J.,

CM

Judgment in
S.A.(MD) No.508 of 2008

18.12.2025