

S.A.(MD) No.165 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.08.2025

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

**S.A.(MD) No.165 of 2025
and
CMP(MD)Nos.6310 & 11929 of 2025**

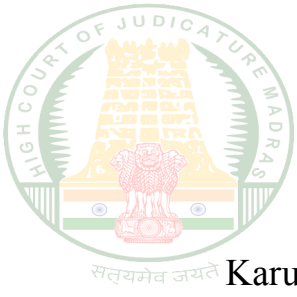
M.Arunambigai
W/o.Mohan,
No.8, Srirama Nivas, Ii Floor,
KCP Layout, Anna Nagar,
Karur Taluk and District. ... Appellant/Appellant / Claimant/3rd Party

Vs.

1. Idol Sri Kalyanapasupatheeswarar,
Sri Kalayan Pasupatheeswaraswamy
Devasthanam, Karur,
Rep by its Executive Officer. ... 1st Respondent / 1st Respondent/
1st Respondent/Decree holder/ Plaintiff

2. Valarmathi
D/o.Late.Marappa Gounder,
Periyakothur, L.N.S. Post,
Karur Taluk and District. ... 2nd Respondent/ 2nd Respondent/
2nd Respondent/Judgment Debtor/ Defendant

PRAYER in SA: Second Appeal filed under Section 100 of Civil Procedure Code, to set aside the Judgment and decree dated 18.03.2025 passed in A.S.No.24 of 2024 on the file of the Additional Sub Court,



S.A.(MD) No.165 of 2025

Karur confirming the fair and decretal order dated 23.01.2024 passed in E.A.No.12 of 2015 in E.P.No.113 of 2012 in O.S.No.444 of 2002 on the file of the Principal District Munsif Court, Karur, by allowing this Second Appeal and thus render justice.

PRAYER in CMP(MD)No.11929 of 2025:

To pass an order to receive and mark the additional document mentioned in the petition and mark the same as Ex.P10 and Ex.P11 on the side of this petitioner/appellant/claimant under Order 41 Rule 27 read with Rule 28 of CPC, 1908 and pass such or further orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

PRAYER in CMP(MD)No.6310 of 2025:

To pass an order of interim stay of all further proceedings of the Execution Petition in E.P.No.113 of 2012 on the file of the Principal District Munsif Court, Karur, pending disposal of the main Second Appeal and thus render justice.

For Appellant : Mr.J.Bharathan, Advocate
for Mr.P.Samuel Gunasingh

For Respondents : Mr.VR.Shanmuganathan, Advocate
for Mr.P.Athimoolapandian,
Advocate for R1



WEB COPY



S.A.(MD) No.165 of 2025

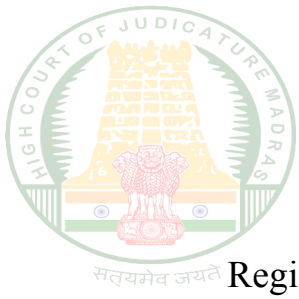
JUDGMENT

Heard.

2. This Second Appeal is filed under Section 100 of the Code of Civil Procedure, 1908, challenging the Judgment and Decree dated 18.03.2025 passed in A.S.No.24 of 2024 on the file of the Additional Sub Court, Karur confirming the fair and decretal order dated 23.01.2024 passed in E.A.No.12/2015 in E.P.No.113/2012 in O.S.No. 444/2002 by the learned Principal District Munsif Court, Karur.

3. The appellant, claiming to have purchased the suit property under a sale deed dated 23.05.2002, resisted delivery in execution proceedings initiated by the respondent temple. Her claim was based on a patta issued by the Settlement Tahsildar on 17.10.1967 in favour of Marappa Gounder and Palaniyappa Gounder.

4. The trial court dismissed her obstruction petition, holding that the property is Devadayam Inam belonging to the respondent temple as evidenced by the Inam Fair Register and Resettlement



S.A.(MD) No.165 of 2025

WEB COPY

Register, and that the Settlement Tahsildar's order under Section 8(1) of the Tamil Nadu Minor Inams (Abolition) Act, 1963 was invalid.

5. The appellate court confirmed the dismissal, holding that even assuming the patta was valid, the appellant had failed to prove continuity of title from the patta-holders to her vendors, and further that retrospective ratification granted by the Commissioner of H.R. & C.E. validated the filing of the suit by the Executive Officer.

6. The Inam Fair Register (IFR), prepared during the Inam Commission enquiries of the 19th century, categorically records the suit property as Devadayam Inam granted for the performance of services in Pasupathiswaraswamy Temple. The Hon'ble Supreme Court has held that entries in the IFR are "great acts of the State" and constitute unimpeachable evidence of the nature of the grant [*Subramania Gurukkal (dead) through Muthusubramania Gurukkal & Others v. Shri Patteswaraswami Devasthanam Perur, by its Executive Officer & Others* 1996 (1) LW 166].



S.A.(MD) No.165 of 2025

WEB COPY

7. The trial court, relying on the Inam Fair Register and Resettlement Register, held that the suit property was Devadayam Inam belonging to the respondent temple and that the Settlement Tahsildar had no jurisdiction to issue patta under Section 8(1) of the Tamil Nadu Minor Inams (Abolition) Act, 1963. It therefore concluded that the patta dated 17.10.1967 in favour of Marappa and Palaniyappa Gounder was invalid in law, since for religious institutions only Section 8(2) applies. The appellate court, while not disturbing this conclusion, further observed that even assuming the patta to be valid, the appellant had in any event failed to establish a lawful chain of title from the pattadars to her vendors. Thus, both courts below, though resting on different strands of reasoning, have rightly rejected the appellant's claim, and their findings are in accordance with law and supported by evidence.

8. The contention regarding retrospective ratification by the Commissioner validating the suit by the Executive Officer has also been rightly upheld by the courts below in light of binding precedents.



S.A.(MD) No.165 of 2025

WEB COPY

9. In the considered view of this Court, no substantial question of law arises for determination. The concurrent findings of the courts below are legally correct and do not suffer from perversity.

10. Accordingly, this Second Appeal is dismissed at the admission stage itself. No costs. Consequently, connected Miscellaneous Petitions are closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
LS

28.08.2025

Copy to:

- 1.The Additional Sub Court,
Karur.
- 2.The Principal District Munsif Court,
Karur
- 3.The Section Officer
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.A.(MD) No.165 of 2025



WEB COPY



S.A.(MD) No.165 of 2025

DR.A.D.MARIA CLETE, J.

LS

S.A.(MD) No.165 of 2025

28.08.2025