



W.P.(MD)No.11208 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : **22.04.2025**

Delivered on : **09.05.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.11208 of 2019

and

W.M.P.(MD)No.8563 of 2019

and

W.M.P.(MD)No.20746 of 2023

Moolam Thirunal Ramavarma

by his Power of Attorney, Adithya Varma,

Kowdiar Palace, Kowdiar Post,

Trivananthapuram - 695003,

Kerala State.

... Petitioner

/Vs./

1.The State of Tamilnadu

Rep.By its Principal Secretary of Revenue Department,

St. George Fort, Chennai.

2. State of Kerala,

Rep. by its Principal Secretary of Revenue Department,

Secretariat,

Thiruvanthapuram.



W.P.(MD)No.11208 of 2019

WEB COPY

3. The District Collector,
Tirunelveli District.

4. The District Revenue Officer
Tirunelveli District.

5. The District Collector
Kollam District,
Kerala State.

6. The Revenue Divisional Officer,
Tenkasi Division,
Tirunelveli District,

7. The Tahsildar,
Tenkasi Taluk,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 4th respondent in his proceedings Na.Ka.Ka.2.63092/18 dated 25.09.2018 (served upon the petitioner only on 15.03.2019) and quash the same as illegal arbitrary and consequently directing the respondents 3 4 6 and 7 to restore the name of Maharaja of Travancore in Survey No.33/1, 5, 7, 3, 6, 34/1, 2, 3, 30/2, 355/2 , 482/53, 190/5, 191/3, 192/2, 194/2, 196/2, 35/2, 3, 30/1A, 1B, 22/1, 2, 23/2A/1 in Courtralam Village, Senkottai Taluk, having an extent of 56.68 Acres in the revenue records.



W.P.(MD)No.11208 of 2019

WEB COPY

For Petitioner : Mr.S.Prabakaran
Senior Counsel
for Mr.MA.Gouthaman

For Respondents : Mr.Gopala Krishna Kurup
Advocate General
State of Kerala
for Mr.S.Anwar Sameem
Mr.K.Pradap Sudarsan for R2 & 5

: Mr.B.Saravanan
Additional Government Pleader
for R1, 3, 4, 6 and 7

ORDER

This Writ Petition has been filed by the descendents of the Maharaja of Travancore, challenging the order of the District Revenue Officer, Tirunelveli District, dated 25.09.2018. The petitioner also consequently seeks restoration of the name of Maharaja of Travancore, to an extent of 56.68 Acres, in the revenue records.

2. I have heard Mr.S.Prabakaran, learned Senior Counsel for Mr.MA.Gouthaman, for the petitioner; Mr.Gopala Krishna Kurup, learned Advocate General, State of Kerala, for Mr.S.Anwar Sameem and Mr.K.Pradap Sudarsan for the respondents 2 and 5; and Mr.B.Saravanan, learned Additional Government Pleader for the respondents 1,3,4,6 and 7.



W.P.(MD)No.11208 of 2019

WEB COPY

3. The learned Senior Counsel for the petitioner, Mr.S.Prabakaran, would first and foremost invite my attention to the common order passed by this Court in W.P.(MD)No.13737 of 2013 and 18108 of 2015, dated 13.07.2016. In the said writ petitions, by common order, this Court, in a challenge made to the mutation of revenue records in the name of the State Government of Kerala, finding that the District Revenue Officer, had rejected the application of the writ petitioners, challenging the patta transfer, held that the authority had not addressed the core issue as to how patta was transferred in the name of one Damodara Pandian and thereafter to the State of Kerala. Therefore, this Court held that the impugned order in those proceedings dated 26.02.2010 was unsustainable and the same was set aside and the matter was remitted to the District Revenue Officer, Tirunelveli, for fresh consideration, on merits and in accordance with law, after giving reasonable opportunity to the parties.

4. The learned Senior Counsel, Mr.S.Prabhakaran, relying on the said order of this Court, contended that there is no dispute with regard to the title of the Maharaja of Travancore and the only issue was relating to



W.P.(MD)No.11208 of 2019

WEB COPY

the irregularity and *malafide* exercise of transfer of patta. He would invite my attention to patta No.51, which was mutated in the name of the Maharaja of Travancore, ever since the purchase of the land. He would therefore, contend that when such patta was standing in the name of the Maharaja, there is absolutely no explanation or justifiable reason for changing the said patta in the name of the Maharaja's caretaker, Damodara Pandian and from him to the State of Kerala. The learned Senior Counsel would submit that the Procedure under Section 10(3) of the Patta Passbook Act, has not been followed and the Maharaja was not put on prior notice, before mutation of patta in the name of the caretaker, Damodara Pandian.

5. The learned Senior Counsel would further contend that even in the impugned order, the fourth respondent has not found that the mutation of patta in the name of the caretaker and thereafter, in the name of State of Kerala was proper and the reasons assigned for passing the impugned order are all perverse and unsubstantiated. He would further contend that the fourth respondent ought not to have gone into issues of title, which cannot be dealt with by the revenue authorities. In this regard, he would



W.P.(MD)No.11208 of 2019

WEB COPY

place reliance on the decision of the Hon'ble Division Bench of this Court in *Viswas Footwear Company Ltd., V. The District Collector, Kancheepuram* reported in *2011(5)CTC 94*.

6. Drawing strength from the ratio laid down by the Hon'ble Division Bench of this Court, the learned Senior Counsel, Mr.S.Prabhakaran, would submit that when patta was admittedly mutated in the name of the Maharaja of Travancore, either the caretaker or the State of Kerala ought to have approached the competent civil Court to establish title and thereafter, seek for mutation in their favour and without doing so, their approaching the revenue authorities, behind the back of the Maharaja and mutating the patta in their name was clearly and wholly unsustainable and liable to be set aside.

7. The learned Senior Counsel would further contend that in and by the Government of India's letter dated 07.03.1950 in letter No.F17(20)-P/49, Government of India, Ministry of States, conditions and restrictions of modifications of the Covenant or any right over the immovable properties being referable to the covenant could not be made. Therefore,



W.P.(MD)No.11208 of 2019

WEB COPY

he would submit that the claim for alternation or modification in respect of the Travancore Palace, Courtralam, which is the subject matter of the present writ petition did not even arise. The learned Senior Counsel would therefore submit that the transfer of patta in the name of Damodara Pandian in the year 1994 was nothing but a fraudulent transfer and would not bind the Maharaja's descendents. With regard to the joint inspection conducted by the State of Kerala and the Government authorities of the State of Tamil Nadu, he would contend that the same cannot bind the legal representatives of the Maharaja. He would also specifically point out that the caretaker's son was appointed by the State Government of Kerala, though the State Government had been litigating against the caretaker Damodara Pandian. Referring to the same, the learned Senior Counsel would contend that the caretaker and his family have clearly colluded with the State of Kerala to knock off valuable immovable properties of the Maharaja of Travancore.

8. Reiterating the Covenant entered into by then Travancore Samasthanam in the year 1949 in the presence of the Government of India, more specifically, Article XV of the Covenant, the learned Senior



W.P.(MD)No.11208 of 2019

WEB COPY

Counsel would submit that the subject property vested with the Ruler and thereafter, the Maharaja has not given any communication to the State and thus, the subject property was only the property of the Maharaja.

9. Lastly, the learned Senior Counsel would submit that Maharaja of Travancore was alive till about 1991 and after his demise, plan has been hatched to acquire the subject property illegally and therefore, the learned Senior Counsel would pray for the writ petition being allowed.

10. Per contra, Mr.Gopala Krishna Kurup, learned Advocate General, State of Kerala, would contend that at no point of time, the subject property was vested with the Maharaja of Travancore. In this regard, he would invite my attention to the Covenant dated 16.08.1949, in and whereby, under Article XV of the Covenant, the Maharaja of Travancore and Maharaja of Cochin were called upon to give an inventory of all immovable property, securities and cash balances to the Ministry (Government of India) on or before 01.09.1949. In compliance with the said letter of the Government of Tamil Nadu, the Maharaja of Travancore, has given a list of properties. However, for the purposes of



W.P.(MD)No.11208 of 2019

WEB COPY

this present writ petition, it would suffice to deal with the immovable properties, which were set out by the Maharaja himself. The said properties that have been disclosed by the Maharaja are as hereunder:

“I. Buildings belonging to His Highness the Maharaja and maintained out of Palace Funds:

A. Outside the State.

- 1. Travancore House, New Delhi **
- 2. Travancore House, Adyar, Madras*
- 3. Travancore House, Courtallam*
- 4. Travancore Palace, Courtallam*
- 5. Vestlake, Cotacamund*
- 6. Percy Lodge, Cotacamund*
- 7. Retreat, Kotagiri*

** This building has been given on lense to the Russaian Embassy for a period of five years beginning from 1st March 1948 and under the terms of the lease deeds, the Embassy looks after the maintenance.”*

11. Moving to the letter dated 07.03.1950 issued by the Government of India, Ministry of States, the learned Advocate General, State of Kerala, would refer to the subject of the letter being “Private



W.P.(MD)No.11208 of 2019

WEB COPY

Properties of Rulers”. The relevant paragraphs of the said letter are extracted hereunder:

“It has come to the notice of the Government of India that on receipt of representations from Rulers, some Governments have made alternations to the originally accepted list of Personal Properties of those Rulers after due examinations of the facts of the case, but without reference to the Government of India.

2. As the settlement of private properties is made under Covenants and Agreements of merger the terms of which have been guaranteed by the Government of India, it is desirable that no variations in the accepted list should be made without their prior approval, in each case.”

12. Referring to the very same letter, the learned Advocate General, State of Kerala, would submit that the Government of India has specifically addressed the said letter to the Maharaja of Travancore, wherein, it has been informed by the Government that they have considered, in consultation with the Travancore – Cochin Government, the inventory of private properties furnished by the Maharaja under



W.P.(MD)No.11208 of 2019

WEB COPY

Article XV of the Covenant. The Government of India set out three statements each including (1) immovable properties recognised as the private property of Maharaja of Travancore (2) immovable properties to be handed over to the State Government (3) Cash balances and securities recognised as private properties of Maharaja of Travancore, which have been set out under the heading buildings out side the State. Serial No.4 mentioned therein reference to Travancore House, Courtallam, which according to the Advocate General, State of Kerala, is different from the property, which is subject matter of the present writ petition, which is the Travancore Palace, Courtallam.

13. Pointing out to second statement being list of immovable properties to be handed over to the Government, under the heading “A. building outside the State,” Serial No.2, mentions Palace, Courtallam. Therefore, the argument of the learned Advocate General, State of Kerala, is that, even as early as in October 1950, the subject property was only falling under the list of properties to be handed over to the Government and the same is also further confirmed by the fact that the said property was not part of the list of properties, which were retained by the



W.P.(MD)No.11208 of 2019

WEB COPY

Maharaja. The learned Advocate General, State of Kerala, would further submit that Travancore House, which was retained by the Maharaja was in fact sold by Maharaja himself and therefore the persons claiming to be the descendents of the Maharaja are not entitled to even question the transaction between the Government of Tamil Nadu and the Maharaja of Travancore himself.

14. The learned Advocate General, State of Kerala, would also invite my attention to the Will dated 28.11.1981 executed by Sree Padmanabha Dasa Sri. Chithira Thirunal Balarama Varma, Ex-Ruler of the State of Travancore. Taking me through the contents of the said Will, the learned Advocate General, State of Kerala, would contend that the Will also recognised the immovable properties situate outside the State of Kerala, which were retained by Maharaja and the properties, which were to be handed over to the Government. Further the said Will was also probated in O.P.(Probate)No.1901 of 1992, before the High Court of Kerala at Ernakulam, dated 03.04.1992. In view of the above, the Maharaja himself did not include the said property as his personal property and had consciously and expressly mentioned in the Will that the



W.P.(MD)No.11208 of 2019

WEB COPY

subject property was meant only for the State Government of Kerala.

15. The learned Advocate General, State of Kerala, would also invite my attention to a suit filed by one Revathinal Balagopala Varma against the Maharaja of Trivandrum and others in O.S.No.253 of 1976 for partition and other reliefs, wherein also the subject property was not part of the properties that were available for partition and even in the plaint as well, the Courtallam Palace was only recognised as the immovable property to be handed over to the Government and it was only the Travancore House, Courtallam that was included in the schedule to the plaint.

16. The learned Advocate General, State of Kerala, would also refer to the judgment in the said suit in O.S.No.253 of 1976. On 09.03.1978, the trial Court after elaborate trial, dismissed the suit. Aggrieved by the dismissal of the suit, the plaintiff therein filed A.S.No.210 of 1979 before the High Court of Kerala at Ernakulam and the High Court in and by judgment and decree dated 08.10.1982, confirmed the judgment and decree of the trial Court and dismissed the appeal.



W.P.(MD)No.11208 of 2019

WEB COPY

17. Not satisfied with the concurrent findings, the plaintiff moved the Hon'ble Supreme Court in C.A.No.534 of 1983 and the Hon'ble Supreme Court in and by the judgment dated 28.11.1991, a reported judgment in 1993-KHC-1005 (Revathinnal Balagopala Varma V. High Highness Shri Padmanabha Dasa Bala Rama Varma), ultimately, dismissed the civil appeal, thereby, confirming the concurrent findings of the Courts below. The learned Advocate General, State of Kerala, would further state that all these were rightly factored before mutation of patta in the name of the State of Government of Kerala. Insofar as the Covenant being acted upon, he would refer to the proceedings of the revenue authority of the State of Kerala, where the properties stood transfer from the Department of State of Trivandrum to the Department of Public Works, State of Trivandrum. The learned Advocate General, State of Kerala, would further refer to the village manual of Trivandrum, which also contains the subject property, as one of the immovable properties under the administration of the State, through the Revenue Department.



W.P.(MD)No.11208 of 2019

WEB COPY

18. The learned Advocate General, State of Kerala, with regard to the argument of the learned Senior Counsel, Mr.S.Prabhakaran, regarding collusion between the caretaker's family and the State of Kerala, would submit that in the year 1967, only by mistake, the patta was transferred in the name of Damodara Pandian/ caretaker / Manager and the same was only rectified by mutating the name of State of Kerala. As regards the allegation of collusion, the learned Advocate General would submit that as the Manager, Damodara Pandian was available locally and in the know of things and the property being situated in the State of Tamilnadu, the State Government thought it fit to appoint a person, who is a well-versed better plans a good to administer / manage the property and therefore, the son of the said Damodara Pandia was employed by the State Government. The learned Advocate General, State of Kerala, would also submit that the petitioner had no iota of right to question the transfer of patta in the name of the State Government of Kerala, since the petitioner claims only under the Will of last Ruler, which itself did not bequeath the subject Palace, recognising the fact that said property has been handed over to the State of Kerala already. The learned Advocate General, State of Kerala,



W.P.(MD)No.11208 of 2019

WEB COPY

would therefore conclude his submissions stating that there is no infirmity in the order passed by the fourth respondent and the same does not require any interference, especially, when a person without even a semblance of right has sought to question / challenge the same.

19. The learned Additional Government Pleader, Mr.B.Saravanan, appearing for the State of Tamil Nadu, would submit that the subject lands comprised in survey Nos.33/1, 5, 7 etc., Courtallam Village, Tenkasi Taluk, Tenkasi District, was mutated in the name of Travancore Samasthanam Maharaja in patta No.51, even prior to U.D.R settlement register. However, during U.D.R settlement patta was erroneously mutated in the name of Damadara Pandian, the caretaker of the Palace. The fifth respondent thereafter produced documentary evidence to assert its right over the said Palace and other lands and buildings. In order to ascertain the claim of the State Government of Kerala, a joint inspection was made by the Director of Survey and Settlement, Chennai, Survey Director Trivandrum, Collector, Kollam District and Collector, Tirunelveli District and they found that the U.D.R entry in the name of Damadara Pandian was erroneous and accordingly by Minutes of



W.P.(MD)No.11208 of 2019

WEB COPY

Meeting, pursuant to the joint inspection, the erroneous U.D.R entry was deleted and the patta was mutated in the name of State of Kerala in patta No.637. The learned Additional Government Pleader would further submit that pursuant to the order passed by this court in W.P.(MD)No. 13737 of 2013, the fourth respondent was only required to decide whether the name of the pattadhar should be registered, after cancelling the subsequent entries and in obedience with the directions of this court, notice to all the interested parties was issued and enquiry was conducted and after perusing the documents submitted by the parties on either side, the fourth respondent found that the patta No.637 mutated in the State of Kerala was in order and accordingly passed the impugned order.

20. The learned Additional Government Pleader would further submit that the writ petition has been filed by the power of attorney of legate under the Will of the last Ruler of Travancore and that the claim of the petitioner is devoid of any merit in the light of the Covenant and the resting of properties between the Maharaja of Travancore and the Government, then the united State of Travancore, on 09.03.1951. The learned Additional Government Pleader would also submit that the



W.P.(MD)No.11208 of 2019

WEB COPY

Maharaja sold the private properties, which were retained and recognised by the various official communication on 23.09.1964 itself and further lands of an extent of 18.96 acres were also gifted to Sri Parasakthi College for Women, Courtallam, registered under document No.4451/64. The Maharaja also sold his Travancore House to the Executive Officer Thirumalaikumarasamy temple, Panpoli and others. He would therefore submit that at no point of time the Maharaja himself asserted right over the Courtallam Palace. Reiterating that patta was only erroneously mutated in the name of Damodara Pandian, who was only a Palace superintendent working in the palace, which was already under the control and maintenance of the public works and communication Department, Government of Travancore and being employed in the year 1950 and after his retirement in August 1979, his son Velayutham was appointed, who has been ever since continuously supervising the Palace works on behalf of the State. Therefore, the allegation that Damodara Pandian was appointed by the Maharaja of Travancore itself is denied. The learned Additional Government Pleader would further contend that the petitioner has no right to claim the subject property and he would also pray for dismissal of the writ petition.



W.P.(MD)No.11208 of 2019

WEB COPY

21. I have carefully considered the submissions advanced by the learned counsel on either side.

22. The admitted facts are that the Maharaja of Travancore was owning two items of property in Courtallam village, which are situate within the State of Tamil Nadu. One of the properties was named Travancore House and the other property was named as Courtallam Palace. Patta No.51 was also issued in the name of Maharaja of Travancore in the year 1973, pertaining to Courtallam Palace. Thereafter, the said patta had been transferred in the name of Damodara Pandian and from him, patta was again transferred to the State Government of Kerala. It is the specific contention of the learned Senior Counsel for the petitioner that the title to the said Courtallam Palace admittedly vested with the Maharaja of Travancore and in this connection, he would draw my attention to the orders passed by this Court in W.P.(MD)No.13737 of 2013 and 18108 of 2015, dated 13.07.2016, where also this Court held that the title to the property was not an issue to be decided by the District Revenue Officer and that the matter was remitted to the District Revenue



W.P.(MD)No.11208 of 2019

WEB COPY

Officer only to decide as to whether the name of the pattadhar should be restored, after cancelled the subsequent entries. It is pursuant to the said order of this Court that *de novo* enquiry, after giving fair and reasonable opportunity to the parties, has been held the impugned order dated 25.09.2018, came to be passed.

23. According to the learned Senior Counsel on 27.05.1949, Covenant at Article XV clearly laid down that the Ruler of each Covenant State shall be entitled to the full ownership, uses of enjoyment of all private properties (as designated from state properties) belonging to whom immediately before the appointment date. He would submit that the subject Courtallam Palace was admittedly belonging to the Maharaja of Travancore and in this regard, he would draw my attention to patta No. 51, which stood in the name of Maharaja until such time, it was mutated in the name of Damodara Pandian in the year 1973. Thereafter, on the application of the State Government of Kerala finding that patta was wrongly mutated in the name of the said Damodara Pandian, proceedings came to be initiated and an order came to be passed by the then District Revenue Officer, directing mutation in the name of State Government of



W.P.(MD)No.11208 of 2019

WEB COPY

Kerala, after removing the name of Damodara Pandian. Subsequently, the said order was challenged before this Court in the earlier mentioned two writ petitions and this Court set aside the order and directed fresh enquiry to be conducted and orders passed. The case of the petitioner is that he is a legatee under the Will of the last Maharaja of Travancore, which Will was also probated and it is under the said Will that the Courtallam Palance has been mentioned and therefore, as a legatee / beneficiary, the claim of the petitioner is that he is entitled to seek set aside the order of the District Revenue Officer mutating patta in the name of State Government. On a perusal of the said Will, which was produced by the petitioner himself, the list of immovable properties has been said out in page No.5 and the two items of properties, viz., Travancore House, Courtallam and Palace, Courtallam, have been shown separately. Importantly, Palace, Courtallam has been mentioned only as the property to be handed over to the Government. Therefore, I am unable to countenance the argument of the learned Senior Counsel for the petitioner that the Will mentions the Courtallam Palace and therefore, the petitioner has locus to challenge the proceedings of the District Revenue Officer.



W.P.(MD)No.11208 of 2019

WEB COPY

24. Eve otherwise, as seen from Covenant dated 16.08.1949, letter issued by the Government of India and letter issued on 07.03.1950 and in response to the same by the Maharaja of Travancore, the said letter dated 07.10.1950, the Maharaja of Travancore has never treated the Courtallam Palace as his private property at any point of time. Further, even in the wealth tax returns, the subject Courtallam Palace was never shown or reflected. The property that was enjoyed and consequently alienated was only the Travancore House and not the Courtallam Palace. Though the subject property was handed over with the full consent and knowledge of the Maharaja, who infact never chose to even opt to treat it as a personal property, despite an option given to him has subsequently enjoyed the private properties, retained by him and also sold the same. Naturally even in the last Will testament, the Courtallam Palace was the acknowledged as the property and the Government of Kerala and not the private property of the petitioner.



W.P.(MD)No.11208 of 2019

WEB COPY

25. Further, as rightly contended by the learned Advocate General, State of Kerala, the Courtallam Palace was never a private property and in fact, I find that the petitioner was a party to even the 1976 suit for partition, which came to be dismissed up to the Hon'ble Supreme Court. It is also evidenced by documents that the State Government of Kerala has exercised its rights over the subject property as early as in the year 1937 and the subject property has been taken over by the Public Works. Equally, I find no merit in the arguments of collusion alleged by the petitioner between the caretaker / Damadara Pandian and the State Government of Kerala. Though it has been strongly contended and argued by the learned Senior Counsel for the petitioner that the said Damodara Pandian was appointed by the Ruler, there is absolutely no material placed before this Court to substantiate the said contentions. In fact, the reason why the said Damodara Pandian did not contest the mutation of patta from his name to the State Government of Kerala was in probabilities only because he was an employee of the State Government of Kerala alone. Therefore, there was no contentious issues between the said Damodara Pandian and the State of Kerala in the first place and the



W.P.(MD)No.11208 of 2019

WEB COPY

question of litigation between them also does not arise. The State of Kerala had only applied for including its name in the patta, after removing the name of Damodara Pandian. The only stakeholder, who if at all, had any right, was the State of Tamil Nadu. However, the State of Tamil Nadu has fairly contended that the Courtallam Palace was never retained by the Maharaja as his personal property and the same was only handed over to the Government of Travancore-Cochin, and subsequently as the successor of Government of Travancore-Cochin, the State Government of Kerala is alone entitled to the property.

26. I have also gone through the impugned order passed by the fourth respondent. The fourth respondent has not delved into any issue of title as claimed by the learned Senior Counsel for the petitioner. It is only for the purpose of narration that the facts have been set out and rightly, the fourth respondent, finding that patta No.51 standing in the name of Maharaja of Travancore was erroneously continued, despite the 1950 proceedings, in and whereby the said property was not retained by the said Maharaja of Travancore, but only handed over to the State Government of Kerala, proceeded to order mutation. The interested



W.P.(MD)No.11208 of 2019

WEB COPY

parties have also conducted a joint inspection before removing the name of Damadara Pandian and replacing the State Government of Kerala's name in the patta. The petitioner has absolutely no right or interest in the subject Palace. It at all the petitioner's case that the Will of the last Maharaja had included the Courtallam Palace as private property of the Maharaja, then, at least, it could have been said that the petitioner has locus to challenge the impugned proceedings.

27. Therefore, I do not see perversity or illegality in the findings arrived at by the fourth respondent. The petitioner has attempted to take advantage of two properties situated at Courtallam, one amongst which alone was retained by the Maharaja of Travancore and further fact that the patta No.51 had not been changed till 1973, has attempted to project a case as if Courtallam Palace, was also retained by the Maharaja and that it formed and part of the last Will and testament dated 28.11.1981. The said attempt is clearly a false case set up to knock of the property that had lawfully vested with the State of Kerala. In fact, even in the judgment of the Hon'ble Supreme Court in the suit for partition, I find that then Maharaja filed a written statement wherein he also confirms that he had



W.P.(MD)No.11208 of 2019

WEB COPY

only retained the properties, which were subject matter of suit for partition for himself absolutely at the time of surrendering the securities to the State. The Hon'ble Supreme Court also took note of the fact that the Maharaja had asserted certain items of property alone as personal properties and retained the same, after surrendering his other properties, which was evidenced by the inventory furnished to the Government of India, in pursuance of the Covenant 27.05.1949 and accepted by the Government of India. The Hon'ble Supreme Court also referred to the option given to the Maharaja to furnish a list of properties, which he wanted to retain as personal property and that such a list, in fact was given and was also approved by the Government of India and it is only such of those properties that were retained by him as his private property, which was subject matter of the suit for partition. Unfortunately, the petitioner continuous to harp on the Covenant dated 27.05.1949 entered into between the Rulers of Travancore and Cochin with the Government of India for the purposes of confirmation of united State of Travancore and Cochin. No doubt, in the said covenant, it was made clear that the Ruler of the each coveting State shall be entitled to full ownership, use and enjoyment of all private properties. However, it was only those of



W.P.(MD)No.11208 of 2019

WEB COPY

such properties that were opted to be retained, which were clearly distinct from the properties handed over to the State. In fact, even under Article XV(2), it was made clear that the Maharaja would furnish an inventory to the Government of India, as regards the properties, which he intended to retain as personal property. Subsequently the Maharaja has also furnished an inventory, which was even marked in the partition suit and ultimately the Hon'ble Supreme Court rejected all the contentions of joint family property and dismissed the suit for partition.

28. In view of the above, there is no iota of doubt in mind that the present litigation by a legatee under the Will dated 28.11.1981 of the last Maharaja of Travancore, is only a vexatious attempt, without even a semblance of right. The petitioner has no locus to challenge the proceedings of the fourth respondent and the aggrieved parties, if it all can be Damadara Pandian, in whose name patta was then mutated or the State of Tamil Nadu and none other. In the light of the above, I see no merit in the writ petition and the order passed by the fourth respondent, does not require any interference.



W.P.(MD)No.11208 of 2019

WEB COPY

29. In fine, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, W.M.P.(MD)No.8563 of 2019, is closed.

Index : Yes / No
NCC : Yes / No
LS

09.05.2025

TO:-

1. The Principal Secretary of Revenue Department,
St. George Fort,
Chennai.

2. The Principal Secretary of Revenue Department,
State of Kerala,
Secretariat,
Thiruvanthapuram.

3 The District Collector,
Tirunelveli District.

4. The District Revenue Officer
Tirunelveli District.



W.P.(MD)No.11208 of 2019

WEB COPY

5. The District Collector

Kollam District,
Kerala State.

6. The Revenue Divisional Officer,

Tenkasi Division,
Tirunelveli District.

7. The Tahsildar,

Tenkasi Taluk,
Tirunelveli District.



WEB COPY



W.P.(MD)No.11208 of 2019

P.B. BALAJI, J.

LS

Pre-delivery Order made in
W.P.(MD)No.11208 of 2019

Dated:
09.05.2025