



W.P.(MD) Nos.14721/2023 & 17003/2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 12.08.2025

PRONOUNCED ON : 28.08.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD)Nos.14721 of 2023 and 17003 of 2024
and W.M.P.(MD)Nos.12422 of 2023 & 14645 of 2024

W.P.(MD)No.14721 of 2023

- 1.Bala Subramaniyan
- 2.Venkateswaran
- 3.Habibur Rahman
- 4.S.Karuppusamy
- 5.Ravichandran
- 6.P.Sakriya
- 7.B.Pandiyarajan
- 8.Ismail Askar Ali

... Petitioners

Vs

1. The District Revenue Officer,
Sivagangai District.
2. A/m Thadiyarudaiya Ayyanar Temple,
Ilayankudi, Sivagangai.
3. R. Rajalingam

... Respondents

(R3 is impleaded vide Court order dated
27.02.2025 in W.M.P.(MD)No.4054/2025
in W.P.(MD)No.14721 of 2023)

PRAYER: Writ Petition filed under Article 226 of the Constitution of



W.P.(MD) Nos.14721/2023 & 17003/2024

India praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.C3/30552/2021 dated 07.03.2023 on the file of the respondent No. 1 and quash the same as illegal within the time frame stipulated by this Court.

For Petitioners : Mrs.B.Bhuvaneshwari

For Respondents : Mr.M.Gangatharan,
Govt. Advocate for R1

Mr.M.Anbarasan for R3

W.P.(MD)No.17003 of 2024

Ilayangudi Muslim Institute of
Technology Industry and Science,
Represented by its Secretary,
A.Musadick Ali,
No.16, Perumal Koil Street,
Ilayangudi, Sivagangai District.

... Petitioner

Vs

1. The District Revenue Officer and
Additional District Magistrate,
Sivagangai District,
District Collectorate,
Sivagangai - 630 561.

2. Tahsildar,
Ilayangudi Taluka,
Sivagangai District.

3. Executive Officer,
Arulmighu Vettudaiyar Kalamman Thirukovil,
Ariyakuruchi,
Kalaiyarkovil.

... Respondents



W.P.(MD) Nos.14721/2023 & 17003/2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings of the 1st respondent in Na.Ka.Si3/30552/2021 dated 07.03.2023 and quash the same in respect of its findings pertaining to the title of the petitioner Society and consequently direct the 2nd respondent to reinstate the interest of the petitioner Society in the revenue records for lands in Survey Nos. 49/1A, 49/1B, 49/1C, 49/1D, 49/2, 49/3A, 49/3C, 49/3D, 49/3E, A.Thiruvidayarpuram Village, Ilayangudi Taluk, Sivagangai District.

For Petitioner : Ms.H.Jasima Yasmin
for M/s.Ajmal Associates

For Respondents : Mr.M.Gangatharan,
Govt. Advocate for R1 & R2

Mr.P.Mahendran for R3

COMMON ORDER

These Writ Petitions are filed challenging the order passed by the first respondent removing the names of the Writ Petitioners from the UDR records and directing restoration of revenue records in the name of the temple viz., “Arulmighu Thadiyarudaiya Ayyanar Temple” (herein after referred to as “Ayyanar Temple”) along with a prefix “Hindu Religious and Charitable Department”.



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2. Heard the arguments of learned counsel appearing for the petitioners, the learned Government Advocate appearing for the official respondents and the learned counsel appearing for the third respondent.

3. According to the petitioners, the subject properties were originally belonged to Velar family and their predecessors in interest. The petitioners purchased the property from descendants of Velar family by way of registered documents and they have been in possession and enjoyment of the same. It is also stated that earlier the petitioners' predecessors in interest Sethu Velar and another filed a civil suit for bare injunction against the Hindu Religious and Charitable Endowment Board appointed trustee of the Ayyanar Temple in O.S.No.139 of 1975 on the file of the District Munsif Court, Paramakudi and the said suit was decreed with a specific finding that the suit property did not belong to the Ayyanar Temple. In these circumstances, the petitioners received notice from the first respondent to show cause why the pattas issued in their favour should not be cancelled. The petitioners appeared before the first respondent and submitted that the subject properties were their personal properties and the Ayyanar Temple could not make any claim over the same. The first respondent overlooked the objections raised by the



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petitioners and ordered deletion of petitioners' name from the UDR records and ordered restoration of Ayyanar Temple's name in the revenue records with a prefix “Hindu Religious and Charitable Department”. Aggrieved by the same, the petitioners have come before this Court.

4. The learned counsel appearing for the petitioners would submit that the title of the Ayyanar Temple was negated by the civil Court in O.S.No.139 of 1975 on the file of the District Munsif Court, Paramakudi and the same was not at all considered by the first respondent while passing the impugned order. The learned counsel for the petitioners further submitted that the petitioners are claiming right over the subject property under various registered documents and the Ayyanar Temple has no title document in their favour and in such circumstances, the first respondent committed a serious error in giving weightage to the revenue documents in the name of the Ayyanar Temple.

5. The learned counsel appearing for the contesting third respondent in W.P.(MD)No.17003 of 2024 would submit that the subject lands were service inam lands and the same were given to the Poojaris of the Ayyanar temple viz., Somu Velar family. It is stated that the

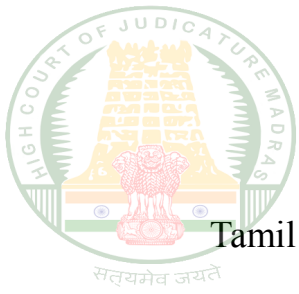


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petitioners, who illegally purchased the property from the descendants of Velar family, are not entitled to claim any exclusive right over the service inam lands and therefore, the first respondent was justified in passing the impugned order restoring the revenue records in the name of the Ayyanar Temple by treating the entry in favour of individual persons as an error that had crept in during UDR updation.

6. A perusal of the impugned order and the documents filed in the typed set of papers would indicate that the subject properties in S.No.49 with an extent of 27 acres 6 cents was originally classified as “Poojai Ayyanar Kovil” in the settlement A register. A close scrutiny of old Settlement A register would indicate that the entire extent in subject Survey No.49 was classified as Inam Punjai in the name of Poojai Ayyanar Kovil. In Column No.12, there is a remark “Estate Abolition Inam”. Therefore, the said document clinchingly proves that the subject properties were Inam Punjai that originally stood in the name of Poojai Ayyanar Kovil immediately after Estate Abolition Act. Even in the SLR register, the subject property has been classified as “Ayyanar Maniyam”.

7. It is seen from the impugned order, after introduction of The



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Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act,

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1963, in the SLR prepared as per the said Act, the subject properties were recorded in the name of Ayyanar Kovil present Poojari Chellaiya Velar and others. Therefore, it is clear that the petitioner's predecessor in interest viz., members of the Velar family enjoyed the property only in their capacity as Poojaris of Ayyanar Temple but not in their individual capacity.

8. The above mentioned conclusion reached by this Court based on the old settlement A-register is fortified by the pleadings of the petitioners' predecessor in title in the suit filed in O.S.No.139 of 1975. The judgment passed in O.S.No.139 of 1975 filed by the predecessor in title of petitioner in W.P.(MD)No.17003 of 2024 would indicate that the plaintiffs therein (predecessors of the petitioner) in their plaint averments, had stated that subject properties were given to their predecessor in title in lieu of their pooja services. Therefore, it is clinchingly established that the subject properties were given to the Velar family the predecessor in title of the petitioners as a service inam land in lieu of their services as poojaris. It is settled law that the service holders are entitled to enjoy service inam lands so long as they continued their



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services in the temple and once they seized to render service, they also loose their right to enjoy the property. In case of stoppage of service by the service holders, the concerned temple is entitled to resume the property. In this regard, it would be appropriate to refer to the decision of this Court in ***K.Jegatheesan Vs. The District Collector, Madurai*** and others reported in ***2025-3-L.W.807***. The relevant observations of this Court reads as follows:

“9. A combined reading of above mentioned provisions make it clear that a service holder, who is entitled to patta under Section 8(2)(ii) of Act 30 of 1963, is bound to continue the service to the temple and as long as he continues to render his service, he is entitled to occupy the lands permanently. However, if he fails to render service, his right to occupy the lands shall cease and the institution shall be at liberty to hold the lands as its absolute property, subject to payment of assessment.

10. Section 41(2)(a)(iii) of the HR & CE Act reads as follows:

“

41. Resumption and re-grant of inam granted for performance of any charity or service.—
(1)....



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(2)(a) The Collector may, on his own motion, or on the application of the trustee of the religious institution or the Commissioner or of any person having interest in the institution who has obtained the consent of such trustee or the Commissioner, by order, resume the whole or any part of any such inam, on one or more of the following grounds, namely : —

(i)...

(ii)...

(iii) that the holder of such inam or part has failed to perform or make the necessary arrangements for performing, in accordance with the custom or usage of the institution, the charity or service for performing which the inam had been made, confirmed or recognized as aforesaid, or any part of the said charity or service as the case may be.

When passing an order under this clause, the Collector shall determine whether such inam or the inam comprising such part as the case may be, is a grant of both the melvaram and the kudivaram or only of the melavaram:

Provided that, in the absence of evidence to the contrary the Collector shall presume that any minor inam is a grant of both the melvaram and the kudivaram.”



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11. Therefore, it is clear that in case of failure of service holder to render service, it is open to the temple to resume the lands by moving proper application before the competent authority.”

9. In the light of the discussion made earlier, this Court comes to the conclusion that the petitioners who have purchased the property from the service holders of the temple are not entitled to claim any right. The first respondent having perused the old SLR, A Register, etc., came to the conclusion that the subject properties were service inam lands of the Ayyanar Temple and petitioners being the purchasers of the land from the service holders are not entitled to get their names included in the revenue records in their individual capacity and therefore, ordered deletion of the individual names and restoration of the name of the Ayyanar Temple with the prefix Hindu Religious and Charitable Endowments Department.

10. It was vehemently contended by the learned counsel for the petitioners that the title of the Ayyanar temple was negated by the civil Court as per the judgment in O.S.No.139 of 1975 on the file of District Munsif Court, Paramakudi and therefore, the impugned order passed by the first respondent without considering the said finding is vitiated. It is



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pertinent to point out that though the title of the Ayyanar Temple was negatived by the trial Court in O.S.No.139 of 1975, the said judgment and decree was challenged by some of the defendants therein in A.S.No.9 of 1978 on the file of Sub Court, Ramanathapuram and the first Appellate Court vacated the finding of the trial Court with regard to the title of the temple as un-called for. Therefore any adverse finding with regard to the title of the Ayyanar temple by the trial Court was vacated by the first appellate Court in A.S.No.9 of 1978 on the file of Sub Court, Ramanathapuram.

11. In such circumstances, the petitioners cannot take advantage of the finding of the trial Court which was vacated by the appellate Court. Further, neither the Ayyanar Temple nor the Hindu Religious and Charitable Endowment Department was added as a party in O.S.No.139 of 1975. Though the individual defendants, who were arrayed as parties, claimed that they were Hindu Religious and Charitable Endowments Board appointed trustees of the Ayyanar Temple, their claim was negatived by the civil Court. Hence, even if there is any adverse finding with regard to the title by the civil Court, the same will not bind the temple as it was not party to the said civil litigation. This Court, on facts,

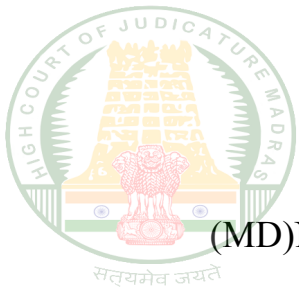


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already held that the adverse finding was vacated by the first appellate Court. In such circumstances, the said contention made by the learned counsel for the petitioner is negatived.

12. Arulmighu Thadiyarudaiya Ayyanar Kovil, Thiruvidayarpuram, Ilayangudi Taluk in whose favour the revenue records were restored by the impugned order is under the control of the Executive Officer, Arulmigu Vettudaiyar Kaliamman Thirukovil, Ariyakurichi, Kalaiyarkoil, Sivagangai District. Therefore, third respondent is a proper party to represent the Ayyanar Temple whose name is restored in the revenue records. Since, in the writ cause title the name of Ayyanar Temple is not mentioned, in order to avoid any doubt, this Court adds this clarification. In the preamble portion of the counter affidavit by the third respondent, it is clearly mentioned that the third respondent is not only the Executive Officer of Vettudaiyar Kaliamman Thirukovil, Ariyakurichi, Kalaiyarkoil, Sivagangai District but he is also Thakkar of Arulmighu Thadiyarudaiya Ayyanar Kovil, Thiruvidayarpuram, Ilayangudi Taluk, Sivagangai District.

13. The learned counsel for the Writ Petitioner in W.P.



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(MD)N0.14721 of 2023, by relying on certain registered documents submitted that the title of the petitioners has been overlooked by the first respondent. The third respondent filed an application before the first respondent seeking correction in the UDR records by relying on old SLR and A-register. Considering the old revenue documents, the first respondent came to the conclusion that the inclusion of individual names is an UDR error and passed the impugned order for restoration of revenue documents in name of the Ayyanar Temple. The first respondent is not entitled to decide the title dispute between parties. The impugned order passed by the first respondent will not disentitle the petitioners from establishing their title, if any, over the subject property by moving civil Court.

14. For the foregoing conclusions, both the writ petitions are dismissed with liberty to the petitioners to establish their title, if any, before the civil Court. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.08.2025

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Neutral Citation: Yes/No

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1. The District Revenue Officer,
Sivagangai District.
2. A/m Thadiyarudaiya Ayyanar Temple,
Ilayankudi, Sivagangai.
3. Tahsildar, Ilayangudi Taluka,
Sivagangai District.
4. Executive Officer,
Arulmighu Vettudaiyar Kaliamman Thirukovil,
Ariyakuruchi, Kalaiyarkovil.

S.SOUNTHAR, J.

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