



W.P.(MD).No.6152 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.6152 of 2016

and

W.M.P.(MD)No.5429 of 2016

Rengarajan Naidu

...Petitioner

(Petitioner is substituted vide Court Order dated 05.04.2024 in W.M.P.(MD)No.7948 of 2024 in W.P.(MD)No.6152 of 2016)

Vs

- 1.The District Collector,
Pudukottai District, Pudukottai.
- 2.The District Revenue Officer,
Pudukottai District, Pudukottai.
- 3.The Revenue Divisional Officer,
Illuppur, Pudukottai District.
- 4.The Tashildar,
Kulathur Taluk,
Keeranur Post, Pudukottai District.
- 5.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Uthamar Gandhi Salai, Nungampakkam, Chennai 34.
- 6.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Arulmigu Uthamarkovil Valagam, No.1 Tollgate,
Trichy Circle, Trichy 621 216.



W.P.(MD).No.6152 of 2016

WEB COPY

7.The Superintendent of Police,
Pudukottai District.

8.The Settlement Officer,
Chepauk, Chennai 9.

9.The Block Development Office,
Viralimalai.

10.The President,
Mandaiyoor Panchayat, Mandiayoor,
Kulathur Taluk, Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.No.A5/5719/2013 dated 29.02.2016 passed by the respondents and quash the same.

For Petitioner : Mr.R.Murali

For R-1 to R-4 : Mr.J.K.Jayaselan
Government Advocate

For R-5 and R-6 : Mr.P.Subbaraj
Special Government Pleader

For R-7 : Ms.M.Aasha
Government Advocate
(Criminal Side)

ORDER

Heard learned counsels on either side.



W.P.(MD).No.6152 of 2016

WEB COPY

2. The petitioner herein had approached this Court challenging the order passed by the fourth respondent rejecting his request for grant of patta in respect of various survey numbers on the ground that they are water bodies.

3. It is the case of the petitioner that these lands were originally vested with the temple as they have been endowed in favour of the temple time immemorial. The temple had been enjoying the said tanks. However, the revenue officials had interfered with the rights of the temple in enjoying tanks and its boundaries. Hence, they had made an application to the fourth respondent for grant of patta which had been rejected by the fourth respondent by holding that the lands have been classified as water bodies and had been vested with the Government. He would submit that the tanks were dug in lands that were endowed to the temple, and therefore, they are the properties of the petitioner.

4. Countering his arguments, the learned Special Government Pleader appearing on behalf of the respondents 5 and 6 would submit that Pidampatti village was taken over by the Government under the



W.P.(MD).No.6152 of 2016

provisions of Act 26 of 1963. The temple had been issued ryotwarri patta in respect of various claims. As regards the lands, which were being used as tanks were not granted with any ryotwari patta. He further referred to Section 11-A of Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwarri), Act 1963, which states that there is prohibition of grant of patta in respect of any private tanks or oorani and that any patta which had been issued under these provisions of the said Act earlier to the introduction of Section 11-A of the Act by way of an amendment were also sought to be cancelled. In the present case, even under the proceedings of the year 1972 in which the petitioner was granted ryotwarri patta under the provisions of the said Act, the petitioner was not granted patta in respect of the said tanks. Therefore, the lands all stand in the name of the Government, as the village was taken over by the Government, under the provisions of the said Act. Therefore, they prayed this Court to dismiss the Writ Petition.

5. I have considered the submissions made on either side and perused the materials available on record.



W.P.(MD).No.6152 of 2016

6. As rightly pointed out by the learned Special Government Pleader appearing for respondents 5 and 6, Section 11(A) of the Act prohibits the grant of a ryotwari patta in respect of private tanks and ooranis. This provision was introduced by Amendment Act 2 of 1976. The amendment also provides that any pattas granted under the provisions of the Act prior to the enactment of this amendment are subject to cancellation. Furthermore, the petitioner was not granted a patta when such a claim was made, even as early as in the year 1976.

7. For the aforesaid reasons, I do not find any infirmity with the order passed by the fourth respondent. Accordingly, the Writ Petition stands dismissed with liberty to the petitioner to approach the first respondent to take out application for seeking maintenance of tanks claimed by them. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



W.P.(MD).No.6152 of 2016

To:
WEB COPY

- 1.The Secretary,
Ministry of Law and Justice,
4th Floor, A Wing,
Shastri Bhawan,
New Delhi – 110 001.
- 2.The Secretary,
Department of Law,
Government of Tamil Nadu,
St.George Fort,
Chennai – 600 009.
- 3.The Secretary,
Central Waqf Council,
14/173, Jamnagar House,
Shajahan Road,
New Delhi – 110 011.
- 4.The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffar Sarang Street,
Parrys,
Chennai – 600 001.
- 5.The Chief Executive Officer,
Kerala State Wakf Board,
V.I.P.Road, Kaloor,
Kochi – 682 017.
Kerala State.
- 6.The Tahsildar,
Taluk Office,
Shencottah,
Tirunelveli District.



WEB COPY



W.P.(MD).No.6152 of 2016

K.KUMARESH BABU, J.

Nsr

W.P.(MD).No.6152 of 2016

02.01.2025