



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11-06-2026

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DATE OF DECISION : 19-06-2026

CORAM

**THE HONOURABLE MR.JUSTICE P. VELMURUGAN
AND
THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN
THILAKAVADI**

**STA Nos. 1 of 2024, 1 of 2016, 7 of 2017, 69 of 2020, WP No.16973 of 2019
AND
CMP Nos.18958 of 2024, 8258 of 2016, 22547 of 2017, 12568 of 2020,
5824 of 2021**

Mr.Irudayaraj (Deceased)

1. J. Lourdu Mary
W/o. Late Irudayaraj

2. I.Amalaraj
S/o. Late Irudayaraj rep. by his
Power Agent, Amali Arockia Mary

3. Amali Arockia Mary
D/o. Late Irudayaraj

4. Amalorpavaraj
S/o. Late Irudayaraj rep by his
Power Agent, Amali Arockia Mary

Appellants in STA No.1 of 2024

1. S.Kumari
W/o Dr.G.V.Ramanaiyya

2. C.Inbaraj
S/o P.Chelladurai

3. Kalaranjani
W/o C.Inbaraj

Appellants in STA No.1 of 2016



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1. K.Baskaran (Died)

2. V.Munirathnam
S/o Varadappa Naidu

3. Tmt.Vijayalakshmi
W/o.(Late) Baskaran

4. Gobinath
S/o.(Late) Baskaran

5. Senthil Kumar
S/o.(Late) Baskaran
(Appellants 3 to 5 brought on record
as LRs of the deceased 1st appellant
vide order of Court dated 16.09.2022
made in CMP Nos.14066, 14069 &
14070 of 2022 in STA No.7 of 2017) Appellants in STA No.7 of 2017

B.Thiruselvan
S/o.S.V.Balaraman Appellant in STA No.69 of 2020

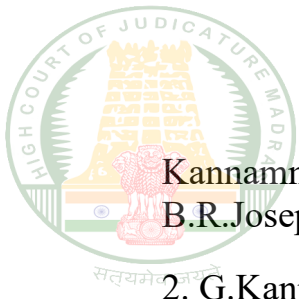
1.G.Kannamma
W/o. Late. Ramachandran

2.G.Bhuvaneswari
W/o. Late. G.Guruprasad
both rep. by their PoA, R.Vijayan Petitioners in WP No.16973 of 2019

Vs

1. The Settlement Tahsildar
Branch Settlement Office
Chengalpet (Abolished)
Now The Assistant Settlement Officer (North)
Principal Secretary/ Commissioner of Survey
and Settlement
Survey House, 3rd Floor, Chepauk, Chennai

Eliazabeth Ammal (Deceased)
Babu Raj (Deceased)
Souri Naidu (Deceased)
Arulappa Naidu (Deceased)



Kannammal (Deceased)
B.R.Joseph (Deceased)

2. G.Kannamma

W/o. Late Ramachandran

3. G.Bhuvaneshwari

W/o. Late G.Guru Prasad

Rep.by Power Agent, R.Vijayan

Respondents in STA No.1
of 2024

1. The Settlement Tahsildar

Branch Settlement Office

Chengelpet (Abolished)

Now The Assistant Settlement Officer (North)

Principal Secretary/Commissioner of Survey

and Settlement, Survey House, 3rd Floor

Chepauk, Chennai

2. Chinnappa Raj

S/o Babu Raj

3. K.N.P.Raji

S/o Kriti Raj

4. G.Kannamma

W/o Late Ramachandran

5. G.Bhuvaneshwari

W/o Late G.Guru Prasad

rep.by Power Agent, R.Vijayan

Respondents in
STA No.1 of 2016

1. The Settlement Tahsildar

Branch Settlement Office

Chengalpet (Abolished)

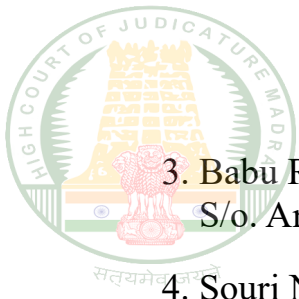
Now The Assistant Settlement Officer (North)

Principal Secretary/ Commissioner of Survey and
Settlement

Survey House, 3rd Floor, Chepauk, Chennai

2. Elizabeth Ammal

W/o. Baliah



3. Babu Raj
S/o. Arulappa Raj

4. Souri Naidu
S/o. Arulappa Raj

5. Arulppa Naidu

6. Kannammal
W/o. Thomas

7. B.R. Joseph (Died)
S/o. Royappa

8. G. Kannamma
W/o. Late Ramachandran

9. G. Bhuvaneswari
W/o. Late G. Guru Prasad
Rep. by Power Agent, R. Vijayan

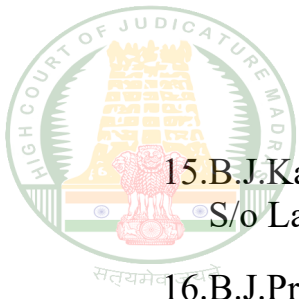
10. The Diocese of Vellore Society
Rep by Secretary
No. 34, Catholic Bishop House
Officer Line, Vellore 632 001

11. Queen of Angels Church
Rep by Parish Priest Christianpet
TEL Post, Katpadi Taluk, Vellore Dist. 632 059
(R10 & R11 are impleaded vide order of Court
dated 15.10.2024 in CMP No. 16918 of 2024 in
STA No. 7 of 2017)

12. S. John Peter
S/o. Late B.C. Simon

13. A. Rajina Mary
W/o. Arokiasamy
(R12 & R13 are impleaded vide Court order
dated 04.06.2026 made in CMP.No. 27389/2023
in STA.No. 7/2017)

14. Suganthi
D/o Late B.R. Joseph



15.B.J.Kantharaj
S/o Late B.R.Joseph

16.B.J.Prakash
S/o Late B.R.Joseph

17.Ananthi
D/o Late B.R.Joseph

18.B.J.Jayaraj
S/o Late B.R.Joseph

19.B.J.Arun
S/o Late B.R.Joseph

B.J.Rozario, S/o Late B.R.Joseph (Deceased)

20.Pramila
W/o Late B.J.Razario

21.Priya
D/o Late B.J.Razario

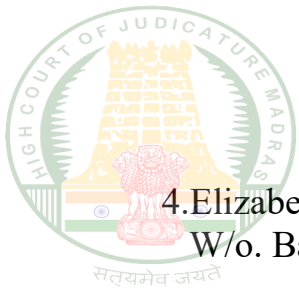
22.John
S/o Late B.J.Razario
(R7 died. R14 to R22 are brought on record as
LRs of deceased R7 vide Court order dated
04.06.2026 made in CMP.No.24657/2025 in
STA.No.7/2017)

Respondents in STA No.7
of 2017

1.G.Kannamma
W/o. Late Ramachandran

2.G.Bhuvaneshwari
W/o Late G.Guru Prasad
both rep.by their PoA, R.Vijayan

3.The Settlement Tahsildar
Branch Settlement Officer
Chenglepet (Abolished)
Now The Asst.Settlement Officer (North)
Principal Secretary/Commissioner of
Survey and Settlement, Survey House
3rd Floor, Chepauk, Chennai 600 005



4.Elizabeth Ammal
W/o. Baliah

5.Babu Raj
S/o Arulappa Raj
Souri Naidu (Deceased)
Arulappa Naidu (Deceased)

6.Kannammal
W/o Thomas

7.B.R.Joseph
S/o Royappa

Respondents in STA No.69 of 2020

1.The State of Tamil Nadu
Rep. by its Principal Secretary
Revenue Department
Fort St. George, Chennai 600 009

2.The District Collector
Vellore District, Vellore

3.The District Revenue Officer
Vellore District, Vellore

4.The Revenue Divisional Officer
Vellore District, Vellore

5.The Tahsildar
Katpadi Taluk, Katpadi
Vellore District

6.The Taluk Deputy Surveyor
Katpadi Taluk, Katpadi, Vellore District

7.V.Munirathnam
S/o. Varadappa Naidu

8.K.Chinnappa Reddi
S/o. Kuppa Reddi
(R7 & R8 are impleaded vide order
dated 04.06.2016 made in
WMP.26092/2019 in WP.16973/2019)

Respondents in WP No.16973 of
2019



Memorandum of Grounds of Special Tribunal Appeal No.1 of 2024 filed under Section 30 of the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963 against the judgment and decree passed by the learned Subordinate Judge, Vellore (Minor Inam Abolition Tribunal), Vellore in Inam CMA No.2 of 2013 dated 06.07.2015.

Memorandum of Grounds of Special Tribunal Appeal No.1 of 2016 filed under Section 30 of the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963 against the judgment and decree passed by the learned Subordinate Judge, Vellore (Minor Inam Abolition Tribunal), Vellore in Inam CMA No.3 of 2013 dated 06.07.2015.

Memorandum of Grounds of Special Tribunal Appeal No.7 of 2017 filed under Section 30 of the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963 against the judgment and decree passed by the learned Subordinate Judge, Vellore (Minor Inam Abolition Tribunal), Vellore in Inam CMA No.2 of 2013 dated 06.07.2015.

Memorandum of Grounds of Special Tribunal Appeal No.69 of 2020 filed under Section 30 of the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963 against the judgment and decree passed by the learned Subordinate Judge, Vellore (Minor Inam Abolition Tribunal), Vellore in Inam CMA No.2 of 2013 dated 06.07.2015.

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Tahsildar, Katpadi and Taluk Deputy Surveyor, Katpadi, the 5th and 6th respondents herein to effect mutation in the Taluk and Village accounts and also in the official Website in the name of the petitioners in respect of Survey No.32/2 admeasuring an extent of 1.43.0 hectares (i.e) 3 acres 53 cent of Vandranthagal Village, Katpadi Taluk, Vellore District.

For Appellants/
Petitioners:

Mr.S.R.Rajagopal
Senior Counsel for Ms.V.Ambika
in STA Nos.1/2024, 1/2016, 7/2017

Mr.S.R.Rajagopal
Senior Counsel for
Mr.P.Sivamani in STA No.69/2020



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STA Nos. 1 of 2024 etc.



For Respondents:

Mr.P.L.Narayanan
Senior Counsel for Mr.E.Hariharan in
WP No.16973/2019

Mr.M.Hemanth Kumar
Government Counsel for R1
in STA Nos.1/2024, 1/2016,
7/2017; for R4 in STA
No.69/2020; for R1 to R6 in WP
No.16973/2019

Mr.P.L.Narayanan
Senior Counsel for
Mr.E.Hariharan for R2 & R3 in
STA No.1/2024; for R4 & R5 in
STA No.1/2016; for R8 & R9 in
STA No.7/2017; for R1 & R2 in
STA No.69/2020

Mr.S.R.Rajagopal
Senior Counsel for
Ms.V.Ambika for R7 & R8 in
WP No.16973/2019

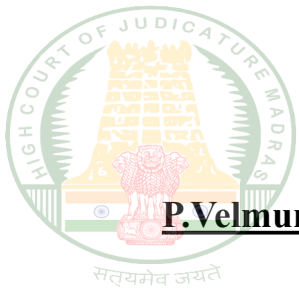
Mr.V.P.Sengottuvel
Senior Counsel for
Mr.K.V.Muthuvisakan for R10 &
R11 in STA No.7/2017

Mr.T.M.Hariharan for R12 &
R13 in STA No.7/2017

Mr.Karthik Eswaran for R14 to
R19 in STA No.7/2017

R2 to R7 – Died during CMA in
lower court in STA No.7/2017

R4 to R7 – Died prior to CMA in
lower court in STA No.69/2020



COMMON JUDGMENT

P.Velmurugan J.

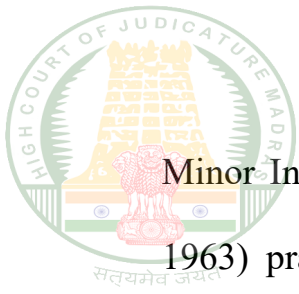
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1.1. S.T.A.Nos.1 of 2024, 7 of 2017, 69 of 2020 have been filed by the appellants against the judgment and decree passed by the learned Subordinate Judge (Minor Inam Abolition Tribunal), Vellore in Inam CMA No.2 of 2013 dated 06.07.2015.

1.2. S.T.A.No.1 of 2016 has been filed by the appellants against the judgment and decree passed by the learned Subordinate Judge (Minor Inam Abolition Tribunal), Vellore in Inam CMA No.3 of 2013 dated 06.07.2015.

1.3. W.P.No.16973 of 2019 has been filed by the petitioners for issuance of a writ of mandamus, directing the Tahsildar, Katpadi and Taluk Deputy Surveyor, Katpadi, the 5th and 6th respondents herein to effect mutation in the Taluk and Village accounts and also in the official Website in the name of the petitioners in respect of Survey No.32/2 admeasuring an extent of 1.43.0 hectares (i.e) 3 acres 53 cent of Vandranthagal Village, Katpadi Taluk, Vellore District.

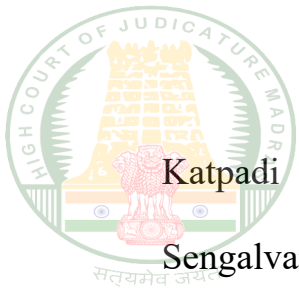
2.1. Inam CMA No.2 of 2013 was filed by Mrs.G.Kannamma, W/o Late Ramachandran and Mrs.G.Bhuvaneswari, W/o late G.Guru Prasad represented by their Power Agent Mr.R.Vijayan before the learned Subordinate Judge (Minor Inam Abolition Tribunal), Vellore under Section 11(3) of the Tamil Nadu



Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 (Act 26 of 1963) praying to set aside the order passed by the Settlement Tahsildar IV, Chenglepet in S.R.105/MMIA/GDM/70 dated 21.04.1970 and to allow a ryotwari patta in favour of them under Section 8(1) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 (Act 30 of 1963).

2.2. Inam CMA No.3 of 2013 was filed by Mrs.G.Kannamma, W/o Late Ramachandran and Mrs.G.Bhuvaneswari, W/o late G.Guru Prasad represented by their Power Agent Mr.R.Vijayan before the learned Subordinate Judge (Minor Inam Abolition Tribunal), Vellore under Section 11(3) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 (Act 26 of 1963) praying to set aside the order passed by the Settlement Tahsildar IV, Chenglepet in S.R.332/MMIA/GDM/70 dated 15.06.1970 and to allow a ryotwari patta in favour of them under Section 8(1) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 (Act 30 of 1963).

3.1. The above appeals were filed before the Inam Tribunal claiming that the lands bearing S.No.32 to an extent of 5.85 acres and S.No.70 to an extent of 16.13 acres comprised in Vandranthangal Village and the lands bearing S.No.64/1 to an extent of 2.24 acres and S.No.65/2 to an extent of 0.17 acres in Tharapadavedu Village respectively, formerly in Gudiyatham Taluk and now



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Katpadi Taluk, stood in the name of G.Gola Sengalvaraya Reddi or Golla Sengalvaraya Naidu in terms of re-settlement register reflecting in T.D.No.885, which evidences that the title deed of such nature as "personal melvaram and kudivaram Inam" and that the same was registered in the "Inam Fair Register and on the appellant side, the Certified Copy of the "A" Register is marked as Ex.A1. They derived right over the properties through their predecessors in title as pre-existing right holders as Inamdars whose rights and entitlements to get "Ryotwari Patta" cannot be extinguished and it can be seen from "Inam Fair Register" marked as Ex.A1. Sri Golla Govindappa Naidu had two sons, namely, Sri Golla Chengalvaraya Naidu or Chengalvaraya Chetti and Bala Gurappa Naidu. The said Sri Golla Chengalvaraya Naidu had two sons, namely, Rao Bahadur Golla Gurrappa Naidu and Golla Gurusamy Naidu. Likewise, Bala Gurrappa Naidu also had two sons, namely, Govindarjulu Naidu and Nanda Gopal Naidu. The said Rao Bahadur Golla Gurrappa Naidu had one son and one daughter namely G.Ramachandran and Sarojammal. Similarly, Golla Gurusamy Naidu had three sons, namely, Gurumurthi, Gurunathan and Rajendran. The said G.Ramachandran died intestate leaving behind his wife Kannammal (1st appellant in CMA) son Guruprasad who also died subsequently leaving behind his wife Bhuvaneswari (2nd appellant in CMA).

3.2. Meanwhile, Golla Gurusamy Naidu filed a suit for partition in OS 31/1945 before the Sub Court, Chittoor, Andhra Pradesh and the same was



withdrawn by entering into a compromise among the legal heirs of Sri Golla Govindappa Naidu not only in respect of the suit property, but also in respect of other properties situated elsewhere and the certified copy of the Suit Register Extract was marked as Ex.A2. So far as the properties that belong to Golla Govindappa Naidu, his legal heirs decided to reduce their respective shares in Partition Deed vide Document No.3180/1945 and the said registered Partition deed (English Version) was marked as Ex.A3 and the Tamil Translation copy of the same was marked as Ex.A4 in which 'D' Schedule was allotted to Rao Bahadur Golla Kurrappa Naidu and son Golla Ramachandran, who is none other than the husband of the 1st appellant. Golla Ramachandran has married Kannammal the 1st appellant. She begot only one son namely Guruprasad who married Bhuvaneswari, the 2nd appellant. The said Ramachandran died and subsequently the son of Ramachandran namely Guruprasad also died and now the surviving legal heirs have got absolute right to the grant of Ryotwari Patta according to the provisions of Section 8 of the Act of 1963. The Koor-chit Partition dated 10.07.1959 was marked as Ex.A5 and the impugned order of the Settlement Tahsildar was marked as Ex A6. Since the said Ramachandran died on 11.01.1980 leaving behind his wife Kannammal and his son Guruprasad as surviving legal heirs and the Ex.A7 Family Ration Card of Kännammal issued by the Andhra Pradesh Government and the Encumbrance Certificates related to the properties were marked as Exs.A8 to A11. Like wise, the death certificate,



legal-heir certificate, genealogy tree and connected records were marked as Ex.A12 and the reply letters of the Land Commissioner were marked as Ex.A13. The said Guruprasad died on 18.12.2010 and the said property devolved on his mother Mrs.Kannammal and his spouse Mrs.Bhuvaneswari. The said Kannammal and Bhuvaneswari have executed a Power of Attorney Deed in favour of one Mr.R.Vijayan, who in turn approached the Commissioner of Land Reforms and Land Administration, Chepauk, Chennai, who replied that the remedy can be worked out before the Inam Abolition Tribunal of Vellore District.

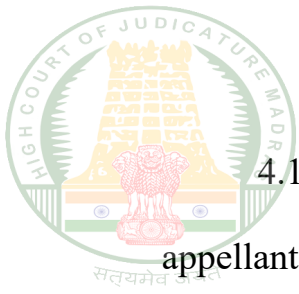
3.3. Since the Special Tahsildar IV Chengalpet arbitrarily conducted an enquiry without hearing the submissions of Inamdars and acted against the interest of the appellants and passed orders in gross violation of the principles of natural justice and has accorded 'Ryotwari Patta' in favour of the respondents 2 to 7 in CMA No.2 of 2013 and respondents 2 & 3 in CMA No.3 of 2013, whose identity so far remains silent, they sought to set aside the orders of the Settlement Tahsildar stating that neither the predecessors of the appellants 1 and 2 nor the appellants 1 and 2 were allowed to take part in the proceedings of the Settlement Tahsildar and he had failed to countenance the pre-existing right of the appellants 1 and 2 and conducted suo motu proceedings by acting outside the ambit of powers vested on him by virtue of the provisions contemplated under the Act 30 of 1963. The Settlement Tahsildar unilaterally passed the



orders relying upon the averments of the Karnam, which is opposed to law.

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3.4. Though the claim of the appellants was opposed by the official first respondent stating that the claim of the appellants is wholly barred by limitation, the Inam Tribunal, finding that the Settlement Tahsildar has granted Ryotwari Patta in favour of the respondents 2 to 7 in CMA No.2 of 2013 and respondents 2 & 3 in CMA No.3 of 2013, who were not declared as Inamdars and no documentary evidence was produced to establish that they were the Inamdars of the properties; that the Ryotwari Patta was granted in favour of fictitious persons, as they were reported dead 40 years/30 years/25 years/20 years/2 years ago respectively, and their legal heirs are also not traceable; that no notice was served on the appellants' predecessors in title and the orders passed by the Settlement Tahsildar were also not served on the appellants or to their predecessors in title, set aside the orders dated 21.04.1970 and 15.06.1970 and remanded the matter to the first respondent to give sufficient opportunity of hearing to the appellants and also to follow the procedures laid down under Section 11 of the Tamil Nadu Inams (Abolition and Conversion into Ryotwari) Act, 1963 for granting Ryotwari Patta in favour of the appellants under Section 8(1) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963.



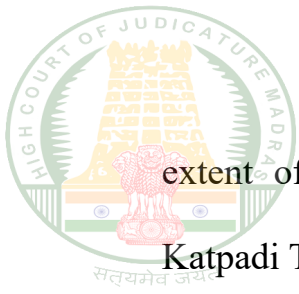
4.1. Aggrieved thereby, S.T.A.No.1 of 2024 has been filed by the appellants herein, being the legal heirs of the deceased Mr.Irudayaraj (who held Patta Pass Book No.225850 and Patta No.47 dated 15.06.2012) in respect of the property in S.Nos.70 & 32 situated in Vandranthangal Village, Vellore District.

4.2. S.T.A.No.1 of 2016 has been filed by the appellants herein, though third parties/strangers in the CMA, as aggrieved persons whose title and possession are directly affected by the impugned judgment in respect of the property in S.No.64/1 & 65/2 in Tarapadavedu Village, Vellore District.

4.3. S.T.A.No.7 of 2017 has been filed by the appellants herein, though third parties/strangers in the CMA, in respect of the property in S.Nos.70 & 32 situated at Vandranthangal Village, Vellore District.

4.4. S.T.A.No.69 of 2020 has been filed by the appellant herein, though third party/stranger in the CMA, as an aggrieved person whose title and possession are directly affected in respect of the property in S.Nos.70 & 32 situated at Vandranthangal Village, Vellore District.

4.5. W.P.No.16973 of 2019 has been filed by the petitioners/appellants in CMA Nos.2 & 3 of 2013 seeking a mandamus directing the Tahsildar, Katpadi and Taluk Deputy Surveyor, Katpadi, the 5th and 6th respondents herein to effect mutation in the Taluk and Village accounts and also in the official Website in the name of the petitioners in respect of Survey No.32/2 admeasuring an

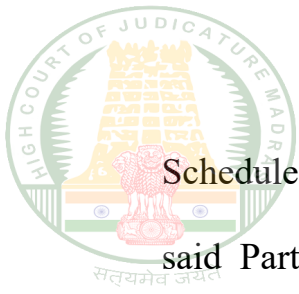


extent of 1.43.0 hectares (i.e) 3 acres 53 cent of Vandranthangal Village,
Katpadi Taluk, Vellore District.

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5. Considering the nature of dispute raised by the parties, all the special tribunal appeals and the writ petition are taken up together and disposed of by this common judgment. For the sake of convenience, the appellants in the special tribunal appeals will be hereinafter referred to as 'the appellants' and the appellants in CMA Nos.2 & 3 of 2013 will be hereinafter referred to as 'the contesting respondents' in this judgment.

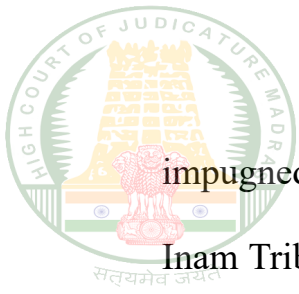
6. Mr.S.R.Rajagopal, learned Senior Counsel for the appellants would submit that the appellants in STA No.1 of 2024 trace their title to the Sale Deed Doc.No.157/1946 dated 02.01.1946, executed by Golla Bala Guruvappa Naidu in favour of Sippai Sowriappa Naidu, covering extents in S.No.70. Patta No.47 (dated 15.06.2012) and Patta Pass Book No.225850 stand in the name of their father Irudayaraj. The chain of title proceeds: Sowriappa Naidu (by Will dated 11.01.1971, Doc. No. 37/1958) Santhammal (by Gift Settlement Deed dated 23.06.1979, Doc. No. 1830/1979) Irudayaraj (appellants' father). The appellants hold through this unbroken registered chain spanning from 1946 to date. But the impugned order in CMA No.2 of 2013 wrongly held the property to be in



Schedule D of the Partition Deed No.3180/1945. Item 16 of Schedule A of the said Partition Deed specifically pertains to the extents in S.Nos.70 and 32,

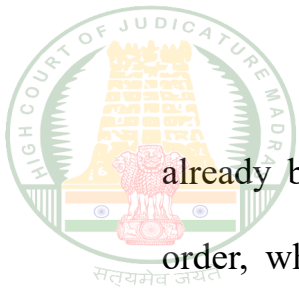
Vandranthangal Village as the contesting respondents own documents confirm.

The CMA is barred by limitation and laches, having been filed in 2013 after the lapse of over 43 years from the date of the Settlement Tahsildar order dated 21.04.1970. Section 12(3) of Act 30 of 1963 mandates filing of appeal within 3 months from receipt of the order. The CMA ought not to have been numbered at all. The Inam Tribunal accepted the contesting respondents explanation for delay without even framing an issue thereon, which is a fundamental procedural error rendering the order one-sided and unsustainable. The appellants and their predecessors have been in actual possession and enjoyment of the lands for over 75 years. The contesting respondents admittedly came to know of the 1970 order only when they approached for computer patta, which itself would show that they were not in actual possession for any part of that period. As per settled law, those not in possession for over 40 years lose any right to claim. The Inam Tribunal has referred to the Partition Deed dated 30.07.1945 and Koorchit of the partition dated 10.07.1959, but has failed to appreciate that the said documents and the registered chain of title clearly place the property under Schedule A (not Schedule D). The Koorchit has no independent evidentiary value. Even the suit filed by the appellants in O.S.No.857 of 2022 (Vellore Sub Court, O.S.No.417/2016) was dismissed on 19.09.2023 solely by reference to the



impugned order. Since the CMA was filed against deceased persons and the Inam Tribunal failed to ensure that the actual persons in possession were before it before passing the order, the same vitiates the entire proceeding.

7. The learned Senior Counsel would further submit that the appellants in STA No.1 of 2016 trace their title to Schedule A of the Partition Deed No.3180/1945 dated 30.07.1945, executed between Shri Balagurvapa Naidu and six others, dealing with several Survey numbers including S.Nos.64/1 & 65/2. But the impugned order in CMA No.3 of 2013 wrongly treated the property as belonging to Schedule D of the said Partition Deed, whereas the property clearly falls under Schedule A allotted to Golla Bala Guruvappa Naidu, Party No.1. However, after the impugned order was passed remanding back the contesting respondents to the Settlement Tahsildar for considering the matter afresh, they have preferred a review petition and the same was entertained by the Inam Tribunal without having power of review and has allowed the review petition and directed the Settlement Tahsildar to grant Patta in favour of the contesting respondents. He would further submit that the appellants and their predecessors in title have perfected their title through the oldest documents from 1945 onwards and their title does not depend on or flow from the order of the Settlement Tahsildar dated 15.06.1970. The contesting respondents should have challenged the root documents creating rights in favour of the appellants (if not



already barred by limitation), and not the consequential Settlement Tahsildar order, which merely recognised pre-existing rights. Since the appellants had already acquired ownership as early as 1975 and 1979 respectively, they ought to have been impleaded in the CMA. Instead, the CMA was filed against persons who had died 40 years prior, to obtain an uncontested decree, which are clearly barred by limitation and laches, inasmuch as they have been filed after a lapse of nearly 43 years from the date of the Settlement Tahsildar's order.

8. The learned Senior Counsel would further contend that the appellants in STA No.7 of 2017 also trace their title to Schedule A of the Partition Deed No. 3180/1945 dated 30.07.1945. The 1st appellant's title flows through Survey No. 70 and the 2nd appellant's through Survey No. 32. But the impugned order in CMA No.2 of 2013 wrongly treated the property as belonging to Schedule D, whereas the property falls under Schedule A allotted to Golla Bala Guruvappa Naida (Party No.1). Since the title of both the appellants is traceable through documents of more than 75 years, it cannot be contended that the appellants perfected their title only through the Settlement Tahsildar order dated 21.04.1970. The appellants and their predecessors in title got title not through the order of the Settlement Tahsildar dated 21.04.1970, but even from the period before 30.07.1945, as evidenced from the registered documents placed before this Court. Since the appellants perfected their title from 1945 onwards, the



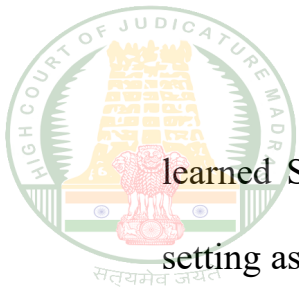
contesting respondents should have challenged the underlying title documents in the appropriate forum of law (if not barred by limitation) - not the consequential Settlement Tahsildar order. The 1st appellant had acquired ownership as early as 1979 and the 2nd appellant in 1975 respectively and without arraying them as parties, the CMA was deliberately filed against persons who had died 40 years prior. The same is barred by limitation and laches, having been filed after the lapse of nearly 43 years from the date of the Settlement Tahsildar order of 21.04.1970.

9. The learned Senior Counsel also contended that the appellant in STA No.69 of 2020 derived his title from Schedule A of the Partition Deed No. 3180/1945 dated 30.07.1945. The subject extent of 2.98 acres in S.No.70/3 was acquired by the appellant through a registered Sale Deed dated 07.02.2007, Doc.No.1073/2007 executed by the legal heirs of Arulappa Naidu and Sowri Naidu (son of Arulappa Naidu and Annammal), through their duly appointed Power of Attorney. Golla Bala Guruvappa Naidu (Party No.1 in the 1945 Partition Deed, allottee of Schedule A) had sold an extent of 6.62 acres out of the 16.13 acres, in S.No.70 vide Sale Deed Doc.No.158/1946 to Kanchi Lakshmi Reddy [the title thereafter passed through registered who thereafter conveyed an extent of 2.98 acres to Annammal (Doc.No.1561/1946) and thereafter to the appellant. Patta No.1267 was issued to Lourdusamy & 7 others,



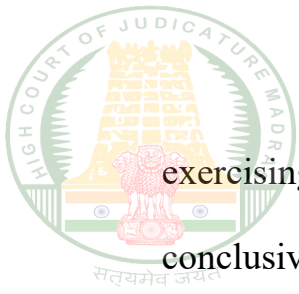
who are the legal heirs of Annammal. But the impugned order wrongly held the property to be in Schedule D, whereas the extent is described as Item 16 of

Schedule A of the Partition Deed pertains to the extent of 16.13 acres in S.No. 70 and 5.85 acres in S.No.32 of Vandranthangal Village. The contesting respondents themselves placed the Partition Deed (English version), which confirms this at pages 55-82 of the consolidated typed set. The appellant, upon acquisition, formed a layout 'Sameera Garden City' with NOC dated 14.06.2013 from Tahsildar, Katpadi and Regularisation Letter dated 22.09.2017 of the Member Secretary, Local Plan Authority, Vellore. Patta No.1267 was issued in the name of the appellant (A Register - Pg.26, Patta - Pg.27 of typed set in STA 69/2020, October 2019). The contesting respondents and their agents have fraudulently suppressed all the above transactions, revenue records and third-party encumbrances before the Inam Tribunal. Even the impleading application was dismissed. All these facts establish that the order in C.M.A.No.2 of 2013 was obtained by fraud and suppression of material facts. The CMA is barred by limitation and laches, having been filed after the lapse of over 43 years from the Settlement Tahsildar's order dated 21.04.1970. In support of his contention on limitation, the learned Senior Counsel relied upon a judgment of the Hon'ble Supreme Court in the case of *Union of India v. Popular Construction Co., (2001) 8 SCC 470*. The learned Senior Counsel also highlighted the chain of documents relied upon by the appellants in support thereof. Therefore, the



learned Senior Counsel for the appellants sought for allowing the appeals by setting aside the impugned orders dated 06.07.2015 passed by the Inam Tribunal in CMA Nos.2 & 3 of 2013.

10. Per contra, Mr.P.L.Narayanan, learned Senior Counsel appearing for the contesting respondents/writ petitioners would submit that the special tribunal appeals filed by the appellants are not maintainable, as they are founded entirely upon rival claims of title and competing chains of title, which would necessarily require the determination of proprietary rights, validity of title deeds, effect of family arrangements, succession and revenue mutations, all of which fall outside the jurisdiction conferred under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 and therefore, the proper remedy of the appellants, if at all available, lies before the competent civil Court. The learned Senior Counsel would further submit that the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 is a special enactment intended for abolition of Minor Inams and introduction of Ryotwari Settlement and the enquiry contemplated under Sections 8, 11 and 12 of the Act is confined to determining entitlement for grant of Ryotwari Patta. Since Rule 9(7) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Rules, 1965 makes it clear that the enquiry under the Act is summary in nature, neither the Assistant Settlement Officer nor the Inam Tribunal or this Court



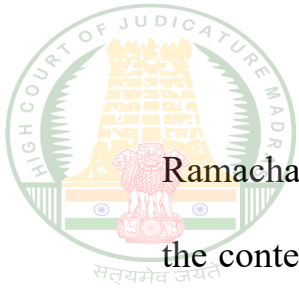
exercising jurisdiction under Section 30 of the Act is vested with jurisdiction to conclusively adjudicate rival claims of title between competing claimants, as the controversy is not a mere patta dispute.

11. On merits, the learned Senior Counsel further contended that the special tribunal appeals have been preferred by various parties claiming title to the respective subject properties through one Golla Bala Guruvappa Naidu. The title projected by the appellants is traced primarily through a series of Sale Deeds alleged to have been executed by the said Golla Bala Guruvappa Naidu in the year 1946 bearing Document Nos.153 to 159 of 1946. The contesting respondents dispute the very foundation of the title projected by the appellants. According to the contesting respondents, the registration entries relating to the aforesaid Sale Deeds disclose suspicious circumstances requiring detailed examination by a competent Civil Court. He would submit that the Sale Deed bearing Document No.153 of 1946 dated 28.01.1946 is recorded in Volume No.391 at Page No.103. However, the immediately succeeding Sale Deed bearing Document No.154 of 1946 is recorded in Volume No.389 at Page No. 363. Likewise, Sale Deed bearing Document No.155 of 1946 dated 29.01.1946 is recorded in Volume No.390 at Page No.194. The aforesaid discrepancies continue throughout the series of Sale Deeds bearing Document Nos.153 to 159 of 1946 allegedly executed by Golla Bala Guruvappa Naidu. The said



discrepancies are evident from the Encumbrance Certificates produced before this Court. Even the Exhibits A-9 to A-11 marked before the Inam Tribunal do not even contain entries relating to the aforesaid Sale Deeds, notwithstanding the fact that the said documents constitute the very basis of title projected by the appellants.

12. However, he would contend that the contesting respondents trace their title directly through the original Inamdar, namely, Chengalvaraya Naidu and it is an admitted fact that the title deed relating to the subject Minor Inam stood in the name of Chengalvaraya Naidu and that he was the recognised Inamdar in respect of the subject properties. The contesting respondents rely upon the Partition Deed and the subsequent Koor Chit dated 10.07.1959 as constituting their chain of title. According to the contesting respondents, certain properties including the subject properties, had by mistake fallen to the share of Golla Bala Guruvappa Naidu under the earlier partition arrangement. But the said mistake was subsequently rectified by the Koor Chit dated 10.07.1959 executed by Golla Bala Guruvappa Naidu and his son, whereby the subject properties, along with other properties, were restored and allotted back to the branch of Rao Bahadur Golla Gurappa Naidu, the son of Chengalvaraya Naidu. The said Koor Chit was acted upon and consequential revenue mutations were effected in favour of the family members of Rao Bahadur Golla Gurappa Naidu including



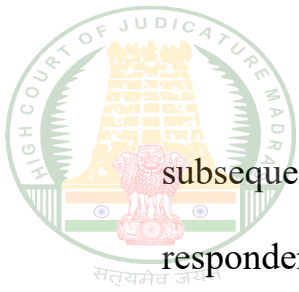
Ramachandran, Kannamma, Guruprasad and Bhuvaneshwari, who are among the contesting respondents herein. Thus, while the appellants seek to trace title through the disputed Sale Deeds of the year 1946 allegedly executed by Golla Bala Guruvappa Naidu, the contesting respondents trace title directly from the admitted Inamdar Chengalvaraya Naidu through the Partition Deed, Koor Chit dated 10.07.1959 and the subsequent revenue records recognising the same. Since the present appeals involve examination of competing chains of title, genuineness and evidentiary value of the alleged Sale Deeds of 1946, correctness of registration entries, effect of the Koor Chit dated 10.07.1959 and rights flowing from the subsequent revenue records and mutations, especially when the Koor chit is acted upon in respect of other properties dealt under the said Koor Chit, such issues can be adjudicated only upon a detailed examination of documentary and oral evidence and are wholly beyond the limited jurisdiction contemplated under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963.

13. On the point of limitation raised by the appellants, the learned Senior Counsel contended that the consistent case of the contesting respondents is that neither they nor their predecessors-in-interest were issued notice in the proceedings culminating in the order dated 21.04.1970 (available in Page No.18-A of the typed set dated 21.03.2021 filed by the contesting respondents)

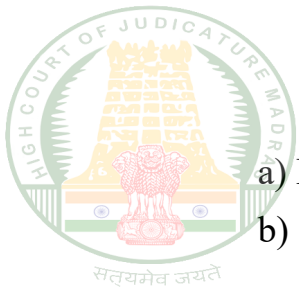


and that they became aware of the same only subsequently. Moreover, an order passed without notice to persons whose proprietary rights are directly affected is an order passed in violation of the principles of natural justice. It is a settled principle that where proceedings are conducted behind the back of affected parties, the question of limitation cannot be applied with the same degree of rigidity as in ordinary cases. A person who had no notice of proceedings affecting valuable rights cannot be denied an opportunity to challenge such proceedings merely on account of lapse of time. The Inam Tribunal, upon appreciation of the materials on record, was satisfied that the affected parties had no notice of the proceedings and had approached the Tribunal immediately upon acquiring knowledge thereof. The delay was, therefore, rightly condoned by the Inam Tribunal by recording detailed reasons in the impugned judgments, which require no interference. So far as the decision of the Hon'ble Supreme Court relied upon by the Senior Counsel for the appellants in *UOI v. Popular Construction Co.*, (2001) 8 SCC 470, he would contend that even in arbitration proceedings, the non-service of award within the time limit on the respondents would not prevent them from filing an application under section 34 of Arbitration and Conciliation Act, 1996.

14. The learned Senior Counsel would further point out that the appellants in STA No.1 of 2024 had earlier instituted O.S.No.417 of 2016,



subsequently renumbered as O.S.No.857 of 2022, against the contesting respondents before the competent civil Court. The said suit came to be dismissed on merits by judgment and decree dated 19.09.2023. The said judgment and decree have not been challenged and continue to remain in force. Having invoked the jurisdiction of the civil Court and having suffered a dismissal on merits, it is not open to the appellants to indirectly seek adjudication of the very same title dispute in the present special tribunal appeals. Likewise, the appellant in STA No.69 of 2020 had filed an impleading petition in CMA No.2 of 2013 seeking to participate in the proceedings before the Inam Tribunal to assert his alleged rights over the subject property. The said impleading petition came to be dismissed on merits by order dated 06.07.2015. The said order was never challenged before any superior forum and has consequently attained finality. Having allowed the said order to attain finality, it is not open to the said appellant to indirectly reopen the very same issues through the present proceedings. The conduct of both sets of appellants clearly demonstrates that they themselves recognised that the controversy concerns title and proprietary rights requiring adjudication before a competent civil Court. The learned Senior Counsel also relied upon the following decisions of the Hon'ble Supreme Court and this Court for the proposition that the proceedings under the Minor Inams Act are only summary in nature and that rival claims of title can be conclusively decided only by a competent civil Court:-



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- a) R.Manicka Naicker v. E.Elumalai Naicker, AIR 1995 SC 1613;
- b) T.K.Ramanujam v. Sri-La-Sri Sivaprakasa Pandara Sannadhi Avargal, 1988 (2) LW 513;
- (c) Srinivasan v. Sri Madhyarjuneswaraswami, 1988 (2) CTC 630;
- (d) Society of St.Joseph's College v. A.Doraisami, 1998 (2) CTC 196;
- (e) Ramakrishnan v. Mayilsamy, 2007 (1) MLJ 72.

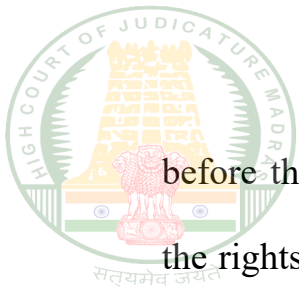
The learned Senior Counsel also relied upon the judgments of this Court in S.A.Nos.888 of 1979 etc., dated 16.03.1987 (T.K.Ramanujam Kavirayar & others v. Sivaprakasa Pandara Sannadhi Avargal) and S.A.Nos.1088 & 1389 of 1980 dated 30.04.1998 (Srinivasan and others v. Sri Madhyarjuneswaraswami & others) for the proposition that the jurisdiction of the competent civil Court is not ousted for deciding the title of land in which the Settlement Officer had issued patta.

15. Mr.V.P.Sengottuvel, learned Senior Counsel appearing for the respondents 10 & 11 in STA No.7 of 2017 would submit that the respondents 10 and 11 derive title to the subject property through a continuous and unbroken chain of registered documents commencing from the Partition Deed (Schedule A) dated 30.07.1945 executed in favour of Golla Bala Guruvappa Naidu in Survey No.70 of Vandranthangal Village, Vellore District. Thereafter, Royappa Chetty purchased an extent of 7.86 acres out of 16.13 acres under a registered



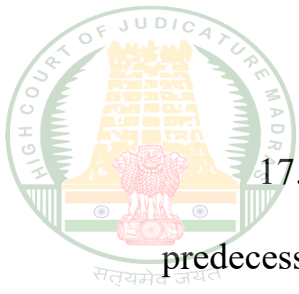
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Sale Deed dated 28.01.1946, registered as Document No.154 of 1946 and the said Royappa Chetty executed the Will dated 19.11.1958 in favour of his son B.R.Joseph to an extent of 4 Acres in sub-divided Survey No.70/4 and culminating in the Sale Deed dated 07.05.1976 executed in favour of Rev. Fr.K.C.Mathew, who was then priest of R11, which is under the ageis of R10. Pursuant thereto, the property stood mutated and Patta Nos.571 & 923 were issued in favour of R10 & R11 respectively. He would further submit that the respondents 10 & 11 and their predecessors-in-title have been in lawful possession and enjoyment of the property for several decades, since 1945. The title flowing under the aforesaid registered documents have never been questioned, cancelled, or set aside by any competent Civil Court. The proceedings in CMA No.2 of 2013 were conducted without impleading or serving notice upon the legal heirs of B.R.Joseph (R7) in CMA, who had died long prior during 1980 to the proceedings. The records disclose that the Village Administrative Officer expressed inability to identify the legal heirs and consequently no effective representation was made on behalf of the deceased respondents. The proceedings were therefore continued against deceased persons and culminated in an order passed in violation of the principles of natural justice. Respondents 10 and 11 were also neither shown as parties nor served with notice in the above said CMA proceedings and were denied an effective opportunity to place their title deeds and other relevant materials



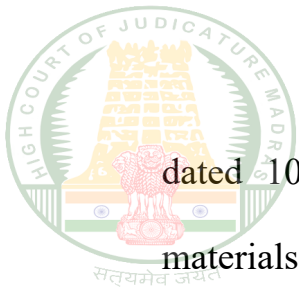
before the Tribunal. The impugned order was thus passed without considering the rights and interests of the persons actually holding title and possession over the property. It is a settled principle of law that revenue records and pattas are maintained only for fiscal purposes and do not confer or extinguish title. Consequently, the subsequent alteration of revenue records and issuance of patta in favour of Kannammal and Bhuvaneshwari cannot defeat the lawful title of the respondents 10 and 11 derived under registered conveyances. The alleged subsequent transactions said to have been entered into on the strength of the altered revenue records cannot confer any better title than what the transferors possessed and are therefore not binding upon the respondents. The respondents have established their lawful title and possession through documentary evidence and accordingly support the case of the appellants seeking interference with the impugned order.

16. We have also heard Mr.M.Hemanth Kumar, learned Government counsel appearing for the official respondent(s), Mr.T.M.Hariharan, learned counsel appearing for the respondents 12 & 13 in STA No.7 of 2017, Mr.Karthik Eswaran, learned counsel appearing for the respondents 14 to 19 in STA No.7 of 2017 and perused the materials available on record.



17. The specific case of the appellants is that the appellants and their predecessors have been in actual possession and enjoyment of the subject lands for over 75 years and they trace their title to Schedule A of the Partition Deed No.3180/945 dated 30.07.1945 as well as the Sale Deed Doc.No.157/1946 dated 02.01.1946 respectively and through chain of title proceeds. It is also pleaded that the appellants and their predecessors in title have perfected their title through the oldest documents from 1945 onwards and their title does not depend or flow only from the orders of the Settlement Tahsildar dated 21.04.1970 and 15.06.1970 respectively. However, the Inam Tribunal has wrongly entertained and allowed the appeals filed by the contesting respondents, challenging the said orders of the Settlement Tahsildar after the lapse of over 43 years, by suppressing the material facts, which require interference.

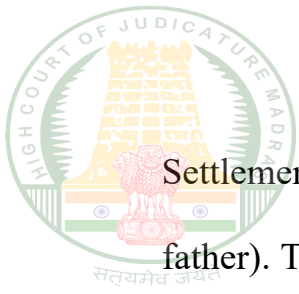
18. The specific case of the contesting respondents is that they rely upon the Partition Deed and the subsequent Koor Chit dated 10.07.1959 as constituting their chain of title and the said Koor Chit was acted upon and consequential revenue mutations were effected in favour of the family members of Rao Bahadur Golla Gurappa Naidu including Ramachandran, Kannama, Guruprasad and Bhuvaneswari, who are among the contesting respondents herein. It is also pleaded that the contesting respondents trace title directly from the Inamdar Chengalvaraya Naidu through the Partition Deed and Koor Chit



dated 10.07.1959 and since the Inam Tribunal, upon appreciation of the materials on records, was satisfied that the affected parties had no notice of the proceedings and had approached the Tribunal immediately upon acquiring knowledge thereof and rightly condoned the delay. It was also pleaded that since the proceedings under the Minor Inams Act are only summary in nature and that the rival claims of title cannot be decided by this Court, the parties have to be relegated only to a competent civil Court.

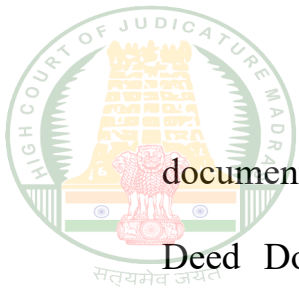
19. Upon consideration of the rival pleadings and also the materials available on record, the only point for consideration is as to whether the appellants in the special tribunal appeals are claiming title through the orders of the Settlement Tahsildar dated 21.04.1970 and 15.06.1970 alone or have recognised pre-existing rights over the subject lands?

20. Admittedly, the appellants in STA No.1 of 2024 trace title through the Sale Deed Doc.No.157/1946 dated 01.01.1946 executed by Golla Bala Guruvappa Naidu in favour of Sippai Sowriappa Naidu, covering extents in S.No.70. Patta No.47 (dated 15.06.2012) and Patta Pass Book No.225850 stand in the name of their father Irudayaraj. The chain of title proceeds: Sowriappa Naidu (by Will dated 11.01.1971, Doc.No.37/1958) Santhammal (by Gift



Settlement Deed dated 23.06.1979, Doc. No. 1830/1979) Irudayaraj (appellants' father). The appellants in STA No.1 of 2016 also trace title to Schedule A of the

Partition Deed No.3180/1945 dated 30.07.1945 executed between Balaguruvappa Naidu and others including S.Nos.64/1 & 65/2. The appellants in STA No.7 of 2017 trace title to Schedule A of the Partition Deed No.3180/1945 dated 30.07.1945 and their right flows through S.Nos.70 and 32. The appellant in STA No.69 of 2020 also derive his title from Schedule A of the Partition Deed No.3180/1945 dated 30.07.1945 to an extent of 2.98 acres in S.No.70/3 through a registered Sale Deed dated 07.02.2007 Doc.No.1073/2007 flowing through Doc.No.1561/1946 conveyed to Annammal. On perusal of records, it is seen that the appellants and their predecessors hold through this unbroken registered chain spanning from 1946 and have been dealing with the subject lands for over 75 years. Subsequently, the appellants' predecessors also obtained patta from the Settlement Tahsildar in the year of 1970 and the appellants have been in possession and enjoyment of the subject lands. However, the Inam Tribunal has wrongly held the property to be in Schedule D of the Partition Deed No.3180/1945 and Item 16 of Schedule A of the said Partition Deed specifically pertains to the extents in S.Nos.70 and 32 of Vandranthangal Village as the contesting respondents own documents confirm. Even the Partition Deed was prior to the coming into force of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963. From the



documents, namely, Partition Deed No.3180/1945 dated 30.07.1945, the Sale Deed Doc.No.157/1946 dated 02.01.1946, the Will dated 11.01.1971, the Settlement Deed dated 23.06.1979, Sale Deed Doc.No.1073/2007 dated 07.02.2007 etc., this Court is able to see that the subject lands have been dealt with by the predecessors in title and subsequently they also obtained patta from the Settlement Tahsildar in the year 1970 and they have pre-existing rights. Even the Inam Tribunal has referred to the partition deed of 1945 and also the Koor Chit of 1959, but has wrongly treated the property to fall under Schedule D of the Partition Deed.

21. It is equally not in dispute that the contesting respondents approached the Inam Tribunal only in the year 2013, after a long slumber, in the guise of getting knowledge of the orders of the Settlement Tahsildar dated 21.04.1970 and 15.06.1970, on the premise that the subject property devolved on them by filing the genealogy tree and connected documents marked as Exs.A1 to A13 and stating that the Special Tahsildar IV, Chengalpet arbitrarily conducted enquiry without hearing the predecessors of the contesting respondents or the contesting respondents and has granted Ryotwari Patta in favour of the respondents therein whose identity remains silent by solely relying upon the statement of the Karnam. The Inam Tribunal, without considering the question of limitation, accepting the version of the contesting respondents, set aside the orders of the Settlement Tahsildar and remanded the matter back to the first



respondent to consider the matter afresh. However, the matter did not end there.

Thereafter, the Inam Tribunal, without having power of review, has entertained the review petition at the instance of the contesting respondents and has directed the issuance of patta in favour of the contesting respondents, when the fact remains that the appellants and their predecessors in title have perfected their title through the oldest documents from 1945 onwards and their title does not depend or flow from the orders of the Settlement Tahsildar alone. Once the appellants have been recognised to have pre-existing rights, the Settlement Tahsildar or the Inam Tribunal cannot set aside the orders and direct the issuance of patta in favour of the contesting respondents. Even the contesting respondents themselves produced the Partition Deed, both in Telugu version and English version, but the Inam Tribunal has wrongly held that the property comes under Schedule D, instead of Schedule A. It is also to be mentioned that the Inam Tribunal has wrongly entertained the appeals after a lapse of more than 43 years, only on the ground that the patta has been granted in favour of fictitious persons and that the contesting respondents came to know of the orders of the Settlement Tahsildar when they applied for computer patta, when the appellants' predecessors have perfected their title from 1945 onwards and the rights have passed thereafter in favour of the legal heirs and other persons and that no notice or opportunity was extended to them. In our considered opinion, the appeals filed by the contesting respondents before the Inam



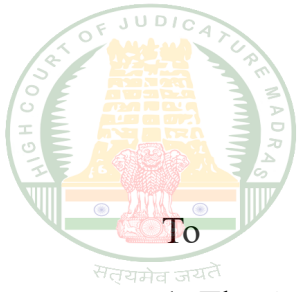
Tribunal are clearly barred by limitation. Even if the contesting respondents claim that they have a better title, the Inam Tribunal ought to have directed them to approach the civil Court to establish their title and ought not to have directed the issuance of patta.

22. In the light of the above discussions and findings, the judgment and decree dated 06.07.2015 passed in C.M.A.Nos.2 & 3 of 2013 passed by the learned Subordinate Judge/Minor Inam Abolition Tribunal, Vellore are set aside and the special tribunal appeals are allowed. Consequently, the connected CMPs are closed. No order as to costs.

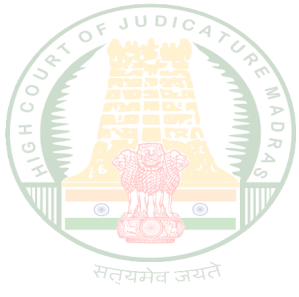
23. So far as the W.P.No.16973 of 2019 filed by the contesting respondents is concerned, it is settled law that this Court cannot decide the issue of title and issue a consequential direction for mutation of records, since it is always open to the writ petitioners to approach the competent civil Court, if they have got a better title, to establish their case. With this observation, the writ petition stands disposed of. No costs.

(P.VELMURUGAN J.) (K.GOVINDARAJAN THILAKAVADI J.)
19-06-2026

Index:Yes/No
Speaking/Non speaking order
Internet:Yes
Neutral Citation:Yes/No
SS



1. The Assistant Settlement Officer (North)
Principal Secretary/Commissioner of Survey
and Settlement, Survey House, 3rd Floor
Chepauk, Chennai
2. The Principal Secretary to Government
Revenue Department
Fort St. George, Chennai - 600009
3. The District Collector
Vellore District, Vellore
4. The District Revenue Officer
Vellore District, Vellore
5. The Revenue Divisional Officer
Vellore District, Vellore
6. The Tahsildar
Katpadi Taluk, Katpadi
Vellore District
7. The Taluk Deputy Surveyor
Katpadi Taluk, Katpadi
Vellore District



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STA Nos. 1 of 2024 etc.



**P.VELMURUGAN J.
AND
K.GOVINDARAJAN
THILAKAVADI J.**

SS

**Pre-delivery Common
Judgment in STA Nos. 1
of 2024 etc.**

19-06-2026