



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

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THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 18266 of 2023

AND

WMP NO. 17466 OF 2023

WEB COPY

Hemalatha,
W/o. Ramesh,
12- 424 , Block 308a, Punggol Walk,
Singapore 821 308.

Petitioner(s)

Vs

1.District Revenue Officer,
Office Of The District Collector,
Tirupur, Tirupur District.

2.The Executive Officer,
Arulmigu Kadu Hanumantharaya
Swami Thirukovil, Dharapuram,
Tirupur District.

Respondent(s)

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order of the 1st respondent namely District Revenue Officer, Office of the District Collector, Tirupur District made in Ni.Mu. 19565/2020 / J2 dated 14.02.2023 quash the same and to direct the 1st respondent namely District Revenue Officer, Office of the District Collector,



Tirupur District to reject the claim of the 2nd respondent namely The Executive Officer Arulmigu Kadu Hanumantharaya Swami Temple, Dharapuram Tirupur District made in his Petition dated 19.08.2019 in respect of land measuring 2.90.0 hectares in of Mulayampoondi Village, Mulanur Sub Registration District, Dharapuram Taluk, Tirupur Registration District.

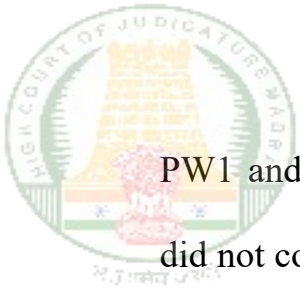
For Petitioner(s): Mr.S.Elamurugan

For Respondent(s): Mr.C.Gowthamaraj
Government Advocate
For R1
Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR & CE)
For R2

ORDER

This writ petition has been filed challenging the order of the 1st respondent namely District Revenue Officer, Office of the District Collector, Tirupur District made in Ni.Mu. 19565/2020 / J2 dated 14.02.2023.

2.The case of the petitioner is that originally the property comprised in R.S.No.103/2 (old Survey Number 103) of Mulayampoondi Village, Mulanur Sub Registration District, Dharapuram Taluk, Tirupur Registration District to an extent of 2.49.0 hectare was the subject matter of the Tamil Nadu Minor Innam (Abolition and Conversion into Ryotwari) Act, 1963. The Settlement Tahsildar conducted *suo motu* enquiry and passed order holding that the 2nd respondent is eligible for Ryotwari Patta. During the enquiry, one Arukani Ammal appeared as



PW1 and claimed Ryotwari Patta in her name. Since the Settlement Tahsildar did not consider her name for grant of patta and passed an order holding that the 2nd respondent is eligible for Ryotwari Patta vide order dated 14.11.1970, she preferred an appeal before the Special Tribunal for Innam Abolition Act, Coimbatore in CMA.No.107 of 1974. The Tribunal vide judgment dated 31.08.1974 was pleased to direct the Settlement Tahsildar to issue patta in the name of Arukani Ammal. Thus, the said Arukani Ammal became the owner of the subject property in view of the Innam Abolition Settlement Act 1963. The said Arukani Ammal vide a registered sale deed dated 01.02.1975 conveyed the subject property to Ponnusamy Gounder, who conveyed the same to one Arokiya Marie under the sale deed dated 18.06.1997. The said Arokiya Marie through her power agent Ganapathi executed a sale deed dated 20.10.2016 and conveyed the subject property to Jalandaradoss, who is the father of the petitioner herein. The petitioner's father settled the subject property in favour of the petitioner through a settlement deed dated 05.06.2018 and the patta was also issued in favour of the petitioner in respect of the subject property vide proceedings dated 20.07.2018 and as on date the petitioner is in possession and enjoyment of the subject property.

2.1.While so, the 1st respondent issued a notice dated 01.09.2022 stating that the 2nd respondent made a petition dated 23.11.2020 claiming that the property comprised in survey Nos.103/1 and 103/2, Mulayampoondi Village,



Mulanur Sub Registration District, Dharapuram Taluk, Tirupur Registration

District belongs to the Temple and mistakenly patta is registered in the name of the private owner and the same should be removed. The 2nd respondent has made a petition claiming right based on the order of the Settlement Tahsildar dated 14.11.1970. Based on the 2nd respondent's claim, the 1st respondent conducted enquiry. Though the petitioner appeared and submitted that the 2nd respondent petition is belated, without affording any further opportunity, the 1st respondent passed an order dated 14.02.2023 concluding that as per the Settlement Officer proceeding dated 14.11.1970, the 2nd respondent is entitled to the subject property and directed to mutate the revenue records. Hence, the present writ petition has been filed.

3.Learned counsel for the petitioner would submit that the petitioner made an application under the Right To Information Act on 27.12.2022 and the crucial order in C.M.A.No.107 of 1974 dated 31.08.1974 relating to the S.No.103 was received by the petitioner only on 15.03.2023. However, the Settlement Tahsildar has passed the impugned order on 14.02.2023 without affording further opportunity to the petitioner. The 2nd respondent and the Settlement Tahsildar were arrayed as party respondents in C.M.A.No.107 of 1974. The 2nd respondent has not challenged the order made in C.M.A.No.107 of 1974 dated 14.11.1970. Therefore, the petitioner has absolute right over the subject property. Hence, he prayed to set aside the impugned order.



4.Learned Special Government Pleader (HR & CE) appearing for the 2nd respondent by referring the proceedings of the 1st respondent would submit that the 1st respondent after conducting enquiry has rightly held that the 2nd respondent is entitled to subject property which is a water body.

5.In reply, learned counsel for the petitioner would submit that the subject property is not a water body. The water body situates in S.No.103/1 and the petitioner claim is with regard to the S.No.103/2.

6.Heard the learned counsel for the petitioner; learned Government Advocate appearing for the 1st respondent and the learned Special Government Pleader (HR & CE) appearing for the 2nd respondent.

7.Considering the submissions made by both parties and upon perusal, it is evident that one Arukani Ammal filed appeal in C.M.A.No.107 of 1974 before the Special Tribunal for Innam Abolition Act, Coimbatore challenging the order of the Settlement Tahsildar dated 14.11.1970 granting patta in respect of the subject property to the 2nd respondent. The Special Tribunal vide judgment dated 31.08.1974 was pleased to direct the Settlement Tahsildar to issue patta in the name of Arukani Ammal in respect of the subject property. Thus, the said Arukani Ammal became the owner of the subject property in view of the Innam Abolition Settlement Act 1963. The said Arukani Ammal



conveyed the subject property to one Ponnusamy Gounder vide a registered sale deed dated 01.02.1975. The said Ponnusamy Gounder conveyed the subject property to one Arokiya Marie under the sale deed dated 18.06.1997. The said Arokiya Marie through power agent Ganapathi executed a sale deed dated 20.10.2016 and conveyed the subject land to Jalandaradoss, who is the father of the petitioner herein. The petitioner's father settled the subject property in favour of the petitioner through a settlement deed dated 05.06.2018 and the patta was also issued in favour of the petitioner in respect of the subject land vide proceedings dated 20.07.2018.

8. Such being case, this Court is of the view that certainly the petitioner is entitled to the subject property since the judgment dated 31.08.1974 made in C.M.A.No.107 of 1974, against the order of the Settlement Tahsildar dated 14.11.1970, has not been challenged by the 2nd respondent. The 2nd respondent has not chosen to file any suit claiming the title over the subject property. Therefore, this Court does not find any substance in the 2nd respondent's claim. Since the issue attained finality vide judgment dated 31.08.1974 made in C.M.A.No.107 of 1974, 1st respondent cannot re-adjudicate the matter. Therefore, the impugned order is liable to be set aside. Accordingly, the order impugned herein is set aside and the patta issued in favour of the petitioner in respect of the subject property holds good.



9. In view of the above, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

26-03-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. District Revenue Officer,
Office Of The District Collector,
Tirupur, Tirupur District.

2. The Executive Officer,
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Swami Thirukovil, Dharapuram,
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