

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 11-06-2026

Pronounced on : 01-07-2026

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

AND

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

STA No. 2 of 2025

Menaka

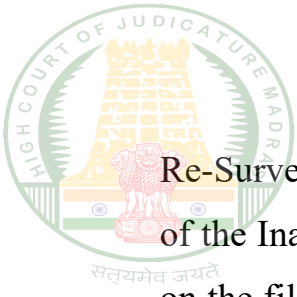
..Petitioner(s)

Vs

- 1.The Executive Officer
A/m Nageswaraswamy Temple,
Eragampatti Village, Dharapura (Taluk)
Vattaram, Tiruppur District
- 2.The Assistant Settlement Officer
Erode, now represented by
The Assistant Settlement Officer (South)
and the Additional Personal Assistant
O/o The Director of Survey and Settlement,
Chepauk, Chennai 600 005

..Respondent(s)

Prayer: This Special Tribunal Appeal is filed under Section 30(1) of TN Minor Inams (Abolition and Conversion into Ryotwari) Act 1963, to set aside the Order of the Settlement Tahsildar passed in his proceedings S.R.No.600/70/Act 30/63 Dharapuram Taluk dated 03.09.1970 in so far as inam land S.No.49 now



Re-Survey No.148 of Bellampatti Village is concerned and the impugned order of the Inam Abolition Tribunal dated 13.02.2025 passed in CMA.No.48 of 2013 on the file of Appellate Tribunal for minor inam, Tiruppur and to grant rytowari patta in the name of the appellant herein in respect of the land bearing S.No.49 now Re-S.No.148 of Bellampatti Village.

For Petitioner(s): Mr. V.Venkatasamy

For Respondent(s): Mr. K.Ashok Kumar for R1
Mr. M. Hemanth Kumar, Govt. Counsel for R2

Judgment

(Judgment of the Court was delivered by K.Govindarajan Thilakavadi J.)

This appeal is filed praying to set aside the order of the Settlement Tahsildar passed in his proceedings S.R.No.600/70/Act 30/63 Dharapuram Taluk dated 03.09.1970 in so far as inam land S.No.49 now Re-Survey No.148 of Bellampatti Village is concerned and the impugned order of the Inam Abolition Tribunal dated 13.02.2025 passed in CMA.No.48 of 2013 on the file of Appellate Tribunal for minor inam, Tiruppur and to grant rytowari patta in the name of the appellant herein in respect of the land bearing S.No.49 now Re-S.No.148 of Bellampatti Village.



2.Facts of the case:

One Appaji Gounder S/o Chinniya Gounder of Sedayampalayam purchased inam Survey Nos. 22 and 49 of Bellampatti Village from inamdar of those lands Mr. Kaali under a sale deed dated 18.11.1902 registered as Doc NO.2603 of 1902 in the SRO Dharapuram. Since then, the said Appaji Gounder and after his demise his successor in interest and legal heirs have been in possession and enjoyment of the inam lands as absolute owners.

3.While so, the appellant received a notice from Thenmugam Eragampatti Nageswara Swamy on 02.09.2010 stating that the lands comprised in old survey No.49, New Survey No.148 of Bellampatti Village are lands belonging to the temple. On receipt of such notice, the appellant gave a reply notice on 09.09.2010 to the Executive Officer.

4.The appellant being granddaughter of Appaji Gounder preferred an appeal before the Inam Abolition Tribunal, Thiruppur u/s 11 (3) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act 1963 (TN Act 30 of 1963), against the order of the Settlement Tahsildar, Dharapuram Taluk failing to grant Ryotwari Patta in respect of minor inam land bearing Old Survey.No.49 now Re-Survey No.148 of Bellampatti Village in favour of the legal heirs of the transferee of that inam land. The Inam Abolition Tribunal



dismissed the Appeal filed in C.M.A. No.48 of 2013 confirming the order of Settlement Tahsildar passed in the proceedings in S.R.No.600/70/Act 30/63 Dharapuram Taluk dated 03.09.1970. As against the order of the Inam Abolition Tribunal, Thiruppur, the appellant prefers the above appeal before this Court u/s 30(1) of the TN Act 30 of 1963.

5.Mr.V.Venkatasamy, the learned counsel for the appellant would submit that the settlement Tahsildar, having observed in his order dated 03.09.1970 that where an iruvaram minor inam granted for the support or maintenance for the performance of charity or service connected therewith has been transferred by way of sale and the transferee or his legal heir or his assignee or persons deriving rights through him has been in exclusive possession of such land for a continuous period of 12 years immediately from 1st April 1960, such person shall be entitled to Ryotwari patta if he pays the consideration determined by the Government in accordance with law and the land revenue due on that land, ought to have granted Ryotwari patta in respect of inam land bearing S.No.49 now re-survey No.148 of Bellampattai village in favour of Appaji Gounder of Sadayampatti village being a transferee or his legal heir as the above said inam land was sold by the inamdar on 18.11.1902 under a sale deed registered as document No.2603 of 1902 on the file of SRO Dharapuram and the land is in

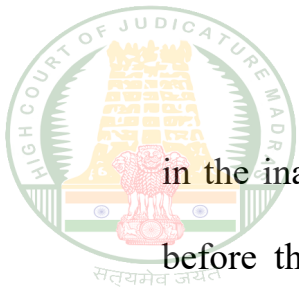


exclusive possession and enjoyment of the legal heirs of original transferee Appaji Gounder continuously till date.

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6.He would further contend that the learned Tribunal failed to take note of the fact that Form No.5 notice was not served either on the transferee or his legal heir. Even if, no person applied for grant of Ryotwari patta under Section 11 (1) of the Act for a ryoti land, the settlement Tahsildar ought to have determined the entitlement of a person to get Ryotwari patta of that land as per rule 9 (3) of the Rules framed under TN Act 30 of 1963. The settlement Tahsildar in the present case failed to determine the entitlement of Ryotwari patta in respect of S.No.49 (re-survey No.148) of Bellampatti village inspite of the document availed before him to establish the sale before 01.04.1960 and the exclusive possession and enjoyment of that land over a period of 12 years continuously as prescribed for entitlement of Ryotwari patta.

7.He would further contend that since the sale deed for S.No.49 stands in the name of Appaji Gounder, Ryotwari patta ought to have been issued to the appellant, as the said land was allotted in a family partition to the share of her father C.N.Muthu @ Chinnappan Nachimuthu Gounder, one of the sons of Appaji Gounder. The Tribunal in its order observed that inam was granted permanently in favour of one Mr.Kali, whose name is also found in column 16



in the inam fair register maintained in the Collector's office marked as Ex.C.2 before the settlement Tahsildar. That being so, the inam lands comprised in

T.D.No.1667 were not granted in favour of religious institution (Temple).

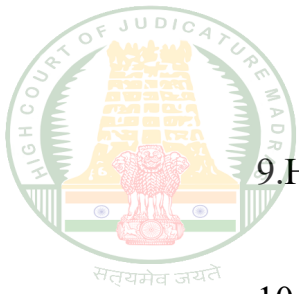
Hence, granting of Ryotwari patta in settlement proceedings in the name of deity is not sustainable in law and so the order of the settlement Tahsildar is liable to be set aside. Further, the observation of the Tribunal that the inam has been confirmed to the deity of Arulmigu, Thenmugam Eragampatti Nageshwara Swamy is not only erroneous but also perverse. From the date of sale deed i.e., from 18.11.1902 transferee and his legal heirs were in continuous possession and enjoyment of the land. With regard to alienated inam land, the granting of Ryotwari patta has to be considered only under Section 8 (2)(i)(b) of TN Act of 1963. since the appellant expressed her willingness to pay compensation as prescribed under the provisions mentioned above to grant Ryotwari patta. While so, the inam Tribunal ought to have allowed the appeal by granting Ryotwari patta in respect of inam land in dispute. Hence, prayed for setting aside the order passed by the inam Tribunal.

8.On the other hand, Mr.Ashok Kumar, the learned counsel appearing for the 1st respondent and Mr.M.Hemanath Kumar, the learned counsel appearing for the 2nd respondent would contend that the lands mentioned in this appeal were an unenfranchised devadayam inam land granted for playing tawil, music in



the pagoda of Tenmugam Eragampatti Nageshwara Swamy and the grant was confirmed by the British Government in T.D.No.1667 permanently to the party

Kali so long as he continued the service. This minor inam was notified under Section 1(5) of the Madras Minor inams (Abolition and Conversion in to Ryotwari) Act 1963 and taken over on and from the notified date 15.02.1965. According to Section 8(2)(ii) of the Madras Minor Inams ((Abolition and Conversion in to Ryotwari) Act 1963, any other inam land not covered by Section 9(2)(i)(a) of 8(2)(i)(b), the institution or the individual rendering service shall with effect on and from the appointed day, be eligible for Ryotwari patta in respect of the land. But in the present case, there is nothing on record to show that the appellant or her predecessor were performing the service and therefore, the settlement Tahsildar in the order dated 03.09.1970 concluded that the Hindu Religious and Charitable Endowments Department is eligible for Ryotwari patta in respect of S.No.49 under Section 11 r/w Section 8(2)(ii) of Madras Act 30/63. Therefore, once the position that the temple was granted both varams, the claim of the appellant that she must be granted Ryotwari patta under Section 8(1) must fail as there is no scope for invoking Section 8 (1) by the appellant in view of Section 8(2) of the Act. To support his contention, he has relied upon the judgment in *A.T.S.Chinnaswami Chettiar and Others Vs. Sri Kari Varadaraja Perumal Temple and Others* reported in *1995 Supp (3) SCC 724*



9. Heard on both sides and records perused.

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10. The settlement Tahsildar, Dharapuram initiated suo moto proceedings under the Madras Minor Inams (Abolition and conversion into Ryotwari) Act, 1963 in respect of service inams in Bellampatti Village, on enquiry granted Ryotwari Patta in favour of HR&C E Department.

11. Aggrieved by this, the appellant preferred an appeal in C.M.A.No.48 of 2013 before the Inam Abolition Tribunal which confirmed the order of Settlement Tahsildar passed in the proceedings in S.R.No.600/70/ACt 30/63 Dharapuram Taluk dated 03.09.1970. As against the order of the Inam Abolition Tribunal, Thiruppur, the appellant prefers the above appeal before this Court u/s 30 (1) of the TN Act 30 of 1963.

12. The order of Settlement Tahsildar would indicate that the land in Survey No. 49, which is the subject matter in this appeal, was an unenfranchised devedayam inam land granted for playing on Tawil, a music in the pagoda of Thenmugam Erangampatti Nageswaram Swamy Temple and the grant was confirmed by the British Government in T.D.No.1667 permanently to the party Kali so long as he continued the service.



13. Section 21 of the Tamil Nadu Minor Inams Madras (Abolition and conversion into Ryotwari) Act, 1963 which relates to "service inams" too has a bearing on this case and for better appreciation, the said provision is extracted hereunder :

21. Service inams.— (1) The provisions of this section shall apply in respect of any minor inam which was held immediately before the appointed day by an individual (hereinafter referred to in this section as the service-holder) on condition of rendering service to a religious, educational or charitable institution.

(2) The service-holder shall, subject to the provisions of subsection (3), be bound to continue to render the service after the appointed day.

(3) (i) Where a service-holder is entitled to a ryotwari patta under section 8 in respect of any land, he shall have the option—

(a) either to pay to the religious institution the amount specified in sub-section (4) and on such payment the land shall, notwithstanding anything contained in sub-section (7), be discharged from the condition of the service; or

(b) to hold the land and continue to render service subject to the provisions contained in sub-sections (1), (2), (6) and (7).



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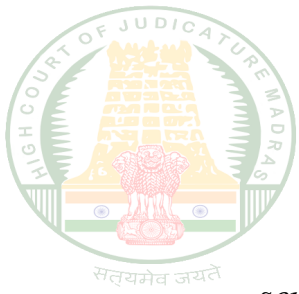
(ii) *The option referred to in clause (i) shall be exercised within such time from the appointed day, and in such manner as may be prescribed.*

(4) *The amount referred to in sub-section (3) shall be twenty times the difference between the fair rent in respect of such land determined in accordance with the provisions contained in the Schedule and the land revenue due on such land.*

(5) *Where the service-holder has exercised his option to pay the amount specified in sub-section (4), the tasdik allowance referred to in sub-section (6) in respect of the period subsequent to the date of the exercise of such option shall be the absolute property of the institution and the institution shall be at liberty to make such arrangements as it thinks fit for the performance of the service.*

(6) (a) *For so long as the service-holder renders the service, the institution shall pay to the service-holder the tasdik allowance paid by the Government under section 20.*

(b) *If the service-holder fails to render the service, the prescribed officer shall, after such inquiry and after such notice to the service-holder as may be prescribed in this behalf, notify such failure in such manner as may be prescribed. He shall then declare that the tasdik allowance payable to the institution in respect of the period subsequent to the failure shall be the absolute property of the institution and the institution shall be at liberty to make such arrangement as it thinks fit for the performance of the service.*



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(7) (a) *For so long as the service-holder renders the service, he shall be entitled to occupy permanently the lands in respect of which he is entitled to a patta under section 8, subject, however, to the payment of the assessment fixed [under section 16 or under section 16-A, as the case may be] in respect of such lands.*

(b) *If the service-holder fails to render the service, the prescribed officer shall, after such inquiry and after such notice to the service-holder as may be prescribed in this behalf, notify such failure in such manner as may be prescribed. He shall then declare that the service-holder's right to occupy permanently the land under clause (a) shall cease and determine, and the institution shall be at liberty to make such arrangement as it thinks fit for the performance of the service and shall be entitled to hold the land as its absolute property subject, however, to the payment of the assessment fixed therefor [under section 16 or under section 16-A, as the case may be].*

Explanation I.—

For the purpose of this section,—

- (i) service-holder includes his heirs;*
- (ii) non-performance of the service due to illness or other temporary disability shall not be deemed to be failure to*



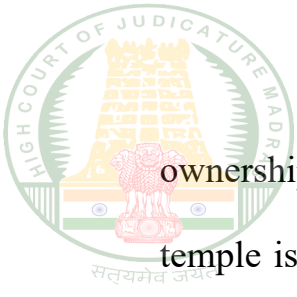
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render service, provided that the service-holder makes alternative arrangements for rendering the service during the period of such illness or of other temporary disability.

Explanation II.—

For the purposes of sub-section (4) “land revenue” means the ryotwari assessment including the additional assessment, water-cess and additional water-cess.

14. In the present case, the possession by the service holder Kali was conditional on continued service. Ex.C.1 and C.2 expressly acknowledged the temple's title to a *devadayam* inam. Therefore, the superior title and right to the ryotwari patta lie with the deity / Temple institution itself, while the service holder's right is strictly derivative. They are merely permitted to enjoy the land as long as they personally render the service. Therefore, a service holder could occupy the land only so long as they render service. In the absence of evidence for rendering such service, the temple being the grantee alone entitled to Ryotwari pattas. Since the grant was iruvaram, the temple is the inamdar and owner and only allowed the service holders conditional enjoyment. Therefore, continuous possession by service holders or their transferees, though long standing was held to be derivative and conditional, it could not mature into



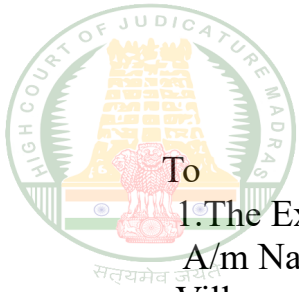
ownership nor over ride the temple superior title. Performing service to the temple is *sine que non* for claiming ryotwari patta. Further, once the position that the temple was granted both varams, the claim of the appellant that she must be granted ryotwari patta under Section 8(1) must fail as there is no scope for invoking Section 8(i) by the appellant in view Section 8(ii) of the Act. Since the appellant failed to establish that the appellant or her predecessor in title continued to do service to the temple, the settlement Tahsildar rightly granted Ryotwari patta in favour of the temple, which was confirmed by the learned Inam Abolition Tribunal, warrants any interference by this Court.

15. Accordingly the Special Tribunal Appeal stands dismissed. No costs.

(P.V.,J.) (K.G.T.,J.)
01-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSN



To

1.The Executive Officer

A/m Nageswaraswamy Temple, Eragampatti
Village, Dharapura (Taluk) Vattaram, Tiruppur
District

2.The Assistant Settlement Officer

Erode, now represented by The Assistant
Settlement Officer (South) and the Additional
Personal Assistant O/o The Director of Survey and
Settlement, Chepauk Chennai 600 005



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

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