



*S.A(MD)No.629 of 2025*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**RESERVED ON : 05.01.2026**

**DELIVERED ON : 23.01.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

**S.A.(MD).No.629 of 2025  
and  
C.M.P.(MD)No.20133 of 2025**

**A.K.Karuppanan**

**: Appellant/Appellant/  
Plaintiff**

**Vs./**

**1.The Executive Officer of  
A/m Sadayaperumal Temple,  
Ramagoundanpatti,  
Sholavandan, Vadipatti Taluk,  
Madurai District.**

**2.T.Muthu**

**3.T.Kusalavan**

**4.Vellaiammal**

**5.Alagammal**

**6.Chinnakili**

**7.Sarasu**

**8.Subbu @ Krishnan**

**9.K.rengamalai**

**10.Dhanalakshmi**

**: Respondents/Respondents/  
Defendants**



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**PRAYER:** Second Appeal filed under Section 100 of the Civil Procedure Code, to set aside the judgment and decree, dated 18.08.2025 in A.S.No.49 of 2024, on the file of II Additional Sub-Judge, Madurai, confirming the judgment and decree, dated 30.08.2024, passed in O.S.No.61 of 2016, on the file of the court of District Munsif, Vadipatti, Madurai District.

For Appellant : Mr.M.C.Inbahar  
for Mr.T.K.Gopalan

For Respondents : Mr.D.Gandhiraj  
Special Government Pleader  
for R.1

### **JUDGMENT**

The Second Appeal is directed against the judgment and decree made in A.S.No.49 of 2024, dated 18.08.2025, on the file of II Additional Subordinate Court, Madurai, confirming the judgment and decree passed in O.S.No.61 of 2016, dated 30.08.2024, on the file of the District Munsif Court, Vadipatti, Madurai District.

2. The appellant is the plaintiff. The plaintiff filed the suit in O.S.No.61 of 2016, on the file of the District Munsif Court, Vadipatti to declare that the suit property is his absolute property and for permanent injunction restraining the defendants and their men in any manner interfering with the plaintiff's peaceful



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possession and enjoyment of the suit property and to further declare that the order passed by the Special Officer/DRO (Temple Lands), dated 26.02.2016 in respect of the suit property is null and void and for permanent injunction restraining the first defendant and their men from doing any action in pursuance of the final order passed by the Special Officer/DRO (Temple Lands), dated 26.02.2016.

3. The first defendant and the defendants 2 to 10 filed written statements and contested the suit. The learned District Munsif, Vadipatti, after framing necessary issues and after full trial, passed the impugned judgment and decree dated 30.08.2024, dismissing the suit. Aggrieved by the dismissal of the said suit, the plaintiff preferred an appeal in A.S.No.49 of 2024 and the learned II Additional Subordinate Judge, Madurai, upon considering the materials available on record and on hearing the arguments of both sides, passed the impugned judgment and decree dated 18.08.2025, dismissing the appeal and thereby confirming the judgment and decree of the trial Court. Challenging the dismissal of the appeal, the plaintiff preferred the present Second Appeal.

4. At the outset, it is necessary to refer the mandate of Hon'ble Supreme Court for High Courts in deciding the second appeal under Section 100 of the Civil Procedure Code, given in the case of ***Gurnam Singh (dead) by LRs., and***



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***others Vs. Lehna Singh (dead) by LRs.***, reported in ***AIR 2019 SC 1441***, that the

jurisdiction of the High Court in an appeal under Section 100 of the Code of Civil Procedure is strictly confined to the case involving substantial question of law and the relevant passage is extracted hereunder:

*“18. Before parting with the present judgment, we remind the High Courts that the jurisdiction of the High Court, in an appeal under Section 100 of the CPC, is strictly confined to the case involving substantial question of law and while deciding the second appeal under Section 100 of the CPC, it is not permissible for the High Court to re-appreciate the evidence on record and interfere with the findings recorded by the Courts below and/or the First Appellate Court and if the First Appellate Court has exercised its discretion in a judicial manner, its decision cannot be recorded as suffering from an error either of law or of procedure requiring interference in Second Appeal. We have noticed and even as repeatedly observed by this Court and even in the case of Narayanan Rajendran v. Lekshmy Sarojini, (2009) 5 SCC 264, despite the catena of decisions of this Court and even the mandate under Section 100 of the CPC, the High Courts under Section 100 CPC are disturbing the concurrent findings of facts and/or even the findings recorded by the First Appellate Court, either without formulating the substantial question of law or on framing erroneous substantial question of law.”*



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5. The Hon'ble Supreme Court in the case of ***Chandrabhan Vs. Saraswati and others*** reported in ***2022 SCC OnLine SC 1273*** has specifically held that right of appeal is not automatic and right of appeal is conferred by statute and when statute confers a limited right of appeal restricted only to cases which involve substantial questions of law, it is not open to the High Court to sit in appeal over the factual findings arrived at by the First Appellate Court and the Hon'ble Supreme Court summarized the principles relating to Section 100 C.P.C., which are as follows;

*“(i) An inference of fact from the recitals or contents of a document is a question of fact. But the legal effect of the terms of a document is a question of law. Construction of a document involving the application of any principle of law, is also a question of law. Therefore, when there is misconstruction of a document or wrong application of a principle of law in construing a document, it gives rise to a question of law.*

*(ii) The High Court should be satisfied that the case involves a substantial question of law, and not a mere question of law. A question of law having a material bearing on the decision of the case (that is, a question, answer to which affects the rights of parties to the suit) will be a substantial question of law, if it is not covered by any specific provisions of law or settled legal*



*principle emerging from binding precedents and involves a debatable legal issue. A substantial question of law will also arise in a contrary situation, where the legal position is clear, either on account of express provisions of law or binding precedents, but the court below has decided the matter, either ignoring or acting contrary to such legal principle. In the second type of cases, the substantial question of law arises not because the law is still debatable, but because the decision rendered on a material question, violates the settled position of law.*

*(iii) The general rule is that the High Court will not interfere with findings of facts arrived at by the courts below. But it is not an absolute rule. Some of the well-recognised exceptions are where (i) the courts below have ignored material evidence or acted on no evidence; (ii) the courts have drawn wrong inferences from proved facts by applying the law erroneously; or (iii) the courts have wrongly cast the burden of proof. When we refer to "decision based on no evidence", it not only refers to cases where there is a total dearth of evidence, but also refers to any case, where the evidence, taken as a whole, is not reasonably capable of supporting the finding."*

6. Bearing the settled legal position in mind, let us proceed with the present case.



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7. The case of the plaintiff is as follows:

WEB COPY (a) The suit property was the ancestral property of two families headed by Velliayan Ambalam, S/o Thumbachi Ambalam and Thumbachi Ambalam, S/o Chinnandi Ambalam. The legal heirs of the said Velliayan Ambalam and Thumbachi Ambalam sold the suit property to the plaintiff on 24.12.1993 and at the time of sale, the patta for the suit property bearing No.263 stood in the name of Vellaiyan Ambalam and Thumbachi Ambalam. After the sale, the plaintiff obtained patta No.158 for the suit property in his name. The said Vellaiyan Ambalam and Thumbachi Ambalam mortgaged the suit property on 09.05.1961 mentioning the mortgaged property as their ancestral property. The plaintiff, after purchase, mortgaged the suit property on 22.02.1995 to one Ramarajan and after discharging the said mortgage loan, mortgaged to Alanganallur Primary Agriculture Co-operative Society on 06.02.1998 and discharged the same. Thereafter the plaintiff mortgaged the suit property to HDFC Bank and the said loan is yet to be discharged.

(b) The first defendant filed a petition before the Special Officer/DRO (Temple Lands) alleging that the suit property was temple lands and the patta for the property stood in the name of Thumbatchi, S/o Thumbatchi as Priest to Sadaya Perumal Temple before UDR scheme, and on that basis, a notice was



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issued to the plaintiff under Minor Inam Abolition Act directing him to appear with the title deeds for the suit property. The defendants 2 to 4 filed their objections by claiming the suit property in the capacity of the legal heirs of the Priest Thumbatchi. The Special Officer/DRO (Temple Lands) passed an order dated 26.02.2016 stating that the plaintiff's vendor had no right to sell the suit property without the permission of HR&CE and directed to issue patta in the name of Ramagoundanpatti Sadayaperumal temple.

(c) The suit property was neither owned by the temple nor by Thumbatchi, S/o Thumbatchi, as shown in the Settlement Tahsildar Proceedings. The present name Thumbatchi being identified as Priest of Sadayaperumal temple does not mean that the suit property belonged to the temple. The Special Officer/DRO (Temple Lands) passed an order dated 26.02.2016 without considering the mortgage made by the plaintiff's vendors. There was no deity in the name of Sadayaperumal at Ramagoundanpatti. Moreover, the defendants 2 to 10 cannot deny the title of the plaintiff as they were party to the sale deed dated 24.12.1993. The suit property was not at all connected to Thumbatchi, S/o Thumbatchi in the capacity of Priest to the Sadayaperumal Temple and patta was wrongly issued. Hence, the plaintiff was constrained to file the above suit.



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8. The defence of the first defendant is that the Settlement Tahsildar, after conducting proper enquiry under Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, found that no trustees / manager was present on behalf of the temple, issued patta to Thumbatchi, S/o Thumbatchi, as he was rendering his service to the Temple. The order of the Settlement Tahsildar can only be challenged before Minor Inam Abolition Tribunal and without challenging the said order, any number of patta transfers and alienation made for the temple property shall stand void. In the “A” register published after UDR, the suit property was clearly clarified as Sadayaperumal Temple priest Thumbatchi Ambalam. Since the order of the Settlement Tahsildar was not challenged before the higher Forum, the order remained lawful and any encumbrance made to the suit property was not lawful. Hence, the suit is liable to be dismissed.

9. The defence of the defendants 2 to 10 is that the defendants 2 and 3 were the present poojaries of Arulmighu Sadaya Perumal Temple in Survey No.337/1 at Ramakkavundanpatti Village, that the paternal grandfather Thumbachi was originally doing services to the temple and after his death, Thumbatchi, father of the defendants 2 and 3 was serving as Priest of the temple. After passing of Madras Minor Inams Act, the Settlement Tahsildar conducted enquiry and passed



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the order dated 28.05.1968 to issue patta to the temple and deity Sri Sadayaperumal through the poojari of the temple. The brothers and cousins of the third defendant's father unlawfully alienated the property to the plaintiff. Hence, the patta for the suit property was rightly converted in the name of the temple by the order of DRO, Madurai. Hence, the suit which is devoid of merits, is liable to be dismissed.

10. It is not in dispute that the suit property is a landed property admeasuring 5.88 acres in Survey No.67 of Ramakkavundanpatti village. The plaintiff's main case is that the suit property was originally owned by Vellaiyan Ambalam and Thumbachi Ambalam ancestrally and the legal heirs of the said Vellaiyan Ambalam and Thumbachi Ambalam sold the suit property to the plaintiff on 24.12.1993, vide Ex.A.6 sale deed. It is the further case of the plaintiff that the patta for the suit property originally stood in the name of Vellaiyan Ambalam and Thumbatchi Amabalam in patta No.263 and after the purchase by the plaintiff, patta was issued in his name. But according to the defendants, the suit property is owned by the Sadayaperumal Temple at Ramagoundanpatti and as per the order of the Settlement Tahsildar, dated 28.05.1968 under Ex.P.7, patta was ordered to be issued in the name of Sadayaperumal Temple through Priest Thumbatchi Ambalam.



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11. The main contention of the appellant is that the Courts below mainly relied on Ex.P.7 order and apart from that order, there is absolutely no other evidence either to prove title or possession of the temple. But the fact remains that the Settlement Tahsildar, after conducting enquiry under the Tamil Nadu Minor Inams (Abolition and Conversion Into Ryothwari) Act 1963 passed an order dated 28.05.1968 directing for issuance of patta in favour of Sadayaperumal Temple through its Priest Thumbatchi Ambalam. The said Act 1963 was enacted to abolish the traditional minor inam land tenure system in Tamil Nadu and convert those lands to the direct ryotwari system. It provides for the acquisition of inamdars rights and laid down procedures for granting ryotwari patta (or occupancy rights) ensuring uniformity in land revenue administration.

12. The learned trial Judge, by relying on the decision of this Court in ***Palaniappa Pandaram Vs. Special Commissioner Madras***, reported in **1995(2) MLJ 594**, has rightly observed that patta issued in the name of the temple deity by statutory authority by special enactment can only be appealed before the Tribunal, but since the order dated 28.05.1968 passed by the Settlement Tahsildar was not at all challenged, patta issued in favour of Sadayaperumal Temple has attained finality and the same cannot be interfered or modified by any other



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revenue authorities. Moreover, as rightly pointed out by the learned trial Judge in

Ex.B.1 “A” Register extract, the suit property stand in the name of the temple.

The contention of the plaintiff is that the plaintiff's predecessors in title mortgaged the suit property alleging as ancestral property and after purchase, the plaintiff mortgaged the suit properties on three occasions would only go to show that the property was neither owned by the temple nor by the temple Priest. As rightly observed by the trial Court, mortgage of the property by itself will not prove the title to the said property. As rightly observed by the Courts below, the plaintiff has not chosen to produce the patta allegedly stood in the name of Vellaiyan Ambalam and Thumbatchi Ambalam in Patta NO.263. Moreover, the plaintiff has not produced any iota of documents to show that the suit property was owned by the said Vellaiyan Ambalam and Thumbatchi Ambalam ancestrally and after their death, the suit property came to be owned by their legla heirs including the vendors of the plaintiff.

13. The learned first appellate Judge relying on a deciison of the Hon'ble Supreme Court in ***Sankaranarayana Swamy Devasthanam Vs. P.S.Chandrasekara Raja*** in Civil Appeal No.2671 of 2013, has specifically observed that granting of ryotwari patta is well within the framework of Inam Abolition Act and it requires no interference and that therefore, a service provider



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cannot alienate the property as an absolute owner. The learned appellate Judge has further observed that there is break in service and the defendants 2 to 10 had not proved that they are continuously rendering service to the temple.

14. Considering the evidence available on record and also taking note of the legal position, the learned first appellate Judge has specifically held that the plaintiff is not a bonafide purchaser and though he may have his remedy against his vendors, his title cannot be declared. Since the order of the Settlement Tahsildar, dated 28.05.1968 remained unchallenged, the order of the Special Officer / DRO (Temple Lands), dtd 26.02.2016 cannot be challenged. The learned trial Judge has rightly observed that the suit property was already recognised as temple lands by the Settlement Tahsildar in his order date 28.05.1968 and the said order was reiterated by the order of the Special Officer /DRO (Temple Lands) dated 26.02.2016 and as such, the declaration sought for with regard to the order dated 26.02.2016 cannot be entertained. The Courts below by specifically holding that the plaintiff is not entitled to get any relief, dismissed the suit as well as the appeal.

15. The appellant has not shown that the material evidence available in the case had been ignored by the first appellate Court or that there was no evidence at



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all. The appellant has also not shown any wrong inference had been drawn by the first appellate Court from the proved facts by applying law erroneously. The appellant has also not canvassed any stand that the Courts below have wrongly placed the burden of proof.

16. It is pertinent to note that the first appellate Court on appreciating and re-appreciating evidence available on record, has come to a definite decision that the plaintiff failed to prove his claim and as such, dismissal of suit by the trial Court cannot be faulted.

17. Considering the judgments of the Courts below, this Court is the clear view that no question of law much less Substantial Question of Law is made out. It is not open to this Court to sit in appeal over the factual findings arrived at by the first appellate Court confirming the findings of the trial Court. Hence, this Court concludes that since no substantial question of law is made out in the second appeal, the same is liable to be dismissed. Considering the other facts and circumstances, this Court further decides that the parties are directed to bear their own costs.



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18. In the result, the Second Appeal is dismissed, confirming the the judgment and decree made in made in A.S.No.49 of 2024, dated 18.08.2025, on the file of II Additional Subordinate Court, Madurai, confirming the judgment and decree passed in O.S.No.61 of 2016, dated 30.08.2024, on the file of the District Munsif Court, Vadipatti, Madurai District. There shall be no order as to costs. Consequently, the connected Civil Miscellaneous Petition is closed.

**23.01.2026**

NCC :Yes/No  
Index :Yes/No  
Internet : Yes/ No  
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**To:**

- 1.The II Additional Subordinate Court, Madurai.
- 2.The District Munsif Court, Vadipatti, Madurai District.
3. The Section Officer,  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

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**PRE-DELIVERY JUDGMENT MADE IN  
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