

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSSPECIAL LEAVE PETITION (CIVIL) Diary No(s). 36759/2023

(Arising out of impugned judgment and order dated 03-04-2023 in ASMD No. 312/2008 passed by the High Court of Judicature at Madras at Madurai)

ARULMIGU MEENAKSHI SUNDARESHWAR DEVASTHANAM

Petitioner(s)

VERSUS

STATE OF TAMILNADU & ORS.

Respondent(s)

(FOR ADMISSION and IA No.59435/2024-EXEMPTION FROM FILING O.T. and IA No.59436/2024-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS and IA No.59434/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

Diary No(s). 37332/2023 (XII)

(FOR ADMISSION and I.R. and IA No.59760/2024-EXEMPTION FROM FILING O.T. and IA No.59763/2024-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS)

Date : 18-03-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRAFor Petitioner(s) Mr. V. Prabhakar, Sr. Adv.
Ms. Jyoti Parashar, Adv.
Mr. N.J. Ramchandrar, Adv.
Ms. E. R. Sumathy, AORMs. Shobha Ramamoorthy, AOR
Mr. Shilp Vinod, Adv.
Ms. Vinacy George, Adv.
Mr. Gokulakrishnan S R, Adv.
Mr. Ajay Subash B, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

SLP (Civil) Diary No. 36759 of 2023

1. Delay condoned.

2. Heard Mr. V. Prabhakar, learned senior counsel appearing for the petitioner.

3. The petitioner was the plaintiff in the Original Suit No. 560 of 2004. The plaintiff's case is that the plaintiff is a Hindu Religious institution. The suit property in Survey No. 1/1 to an extent of 3009.84 acres situated at Vadipatti Village, is a part of Sirumalai hills. The suit property is also a part of Inam title deed No. 1397 granted for the support of Arulmugu Meenakshi Sundareshwarar Temple at Madurai Town. The grant was made by Sri Thirumalai Nayakkar. After coming into force of Tamil Nadu Estate Abolition Act 28/1948 the lands were taken by the State defendant from the plaintiff. The revenue records mention the suit property as only Inam lands originally. Then it has been classified as un-assessed waste lands' by the first defendant. According to the plaintiff, the first defendant has no powers to classify the Inam lands as un-assessed waste lands, under Act 26 of 48 and they have no right to classify as Reserve Forest and handover possession of the lands to the forest department.

4. The learned Additional District and Sessions Judge, Madurai on 12.03.2008 decreed the Suit with further direction to the defendants including the Tamil Nadu Government, to handover the possession of the suit land, to the plaintiff. However, on appeal by the State, the High Court under the impugned judgment dated

03.04.2023 reversed the decree and dismissed the Suit.

5. The learned senior counsel would refer to the Inam Fair Register (Annexure P/9) to point out that the concerned land, comprised within six villages, was granted as "Devadayam", in favour of the temple well before 1863 and the Inam Commissioner on 24.12.1863 had confirmed the grant of the temple. The counsel would then refer to the provisions of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 to argue that the categorisation of the land as "Devadayam" has not been disturbed and therefore the State could not have handed over the "Devadayam" land by declaring those to be surplus.

6. Issue notice, returnable in six weeks.

7. In the meantime, status quo over the suit land be maintained. But the Government is at liberty to prevent further encroachment over the suit land.

SLP (Civil) Diary No. 37332 of 2023

1. Delay condoned.

2. Heard Ms. Shobha Ramamoorthy, learned counsel appearing for the petitioner.

3. The counsel submits that the petitioner is cultivating the suit land as tenant of the Meenakshi Sundareshwarar Temple, Madurai. They are not claiming any separate and independent right over the temple land from the Government.

4. The petitioner had independently filed the Suit No. 119 of 2005 and although there was a separate judgment and decree by the trial court in favour of the plaintiff, the High Court under the common judgment dated 03.04.2023 dismissed the tenant's suit and also the suit filed by the temple.

5. Ms. Shobha Ramamoorthy further submits that the temple had granted Patta to some of the tenants-cultivators and Annexure P/12 is one such Patta granted to one of the cultivators. It is also pointed out that the 296 petitioners are in occupation of around 795 acres land.

6. Issue notice. Tag with SLP (Civil) Diary No. 36759 of 2023.

7. In the meantime, status quo over possession, be maintained.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR