

W.P.(MD) No.9605 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved On : 08.07.2025

Pronounced On : 13.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P. (MD) No.9605 of 2009

and

M.P.(MD)No.1 of 2009

Madhu Sri Akkabai Ammani Ghadge Rao
Trust, by its Hereditary Trustee,
V.Ry.Anandakumar,
73, Big Bazaar Street,
Pattukottai Town.

... Petitioner

Vs.

State of Tamilnadu represented by its
Secretary to Government,
Fort St.George,
Chennai -9.

... Respondent

PRAYER in W.P.:

To issue a writ, or order in the nature of a Writ of Declaration, declaring that Section 10 A of Tamilnadu Minor Inams (Abolition and Conversion into Ryotwari) Act 1963 as introduced by Tamilnadu Act 2 of 1976, is ultravires of our Constitution and liable to be struck down as unconstitutional and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and render justice.



W.P.(MD) No.9605 of 2009

PRAYER in M.P:

WEB COPY To grant an order of injunction restraining the respondent, his men or agents or subordinates from interfering with the petitioner's peaceful possession and enjoyment of the land in Survey No.217 in Soorakottai Village, Thanjavur Taluk and District and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr.Niranjan S.Kumar, Advocate
for Mr.V.Balaji, Advocate

For Respondents : Mr.S.P.Maharajan,
Special Government Pleader

J U D G M E N T

[Judgment of the Court was made by DR.A.D.MARIA CLETE J.]

Heard.

2. The petitioner is the hereditary trustee of the Madhu Sri Akkabai Ammani Ghadge Rao Trust, which manages the Somanathar Temple in Soorakottai Village, Thanjavur. The Trust owns 3.84 acres in Survey No. 218/1 and 3.60 acres in Survey No. 218/2, purchased under a registered sale deed dated 15.06.1932. On the same day, 5.28 acres in Survey No. 217 were gifted to the Trust. These lands, along with the temple structures,

2/16



W.P.(MD) No.9605 of 2009

comprise a single enclosed unit, bounded by a compound wall. Within this property lies a small tank in Survey No.217, expressly described in the conveyance as part of the “building and tank” is used solely for temple rituals and has never served irrigation or agriculture.

3. Post the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, the village vested with the State. Ryotwari pattas were granted for Survey Nos. 218/1 and 218/2, but denied for Survey No. 217 due to its classification as a “private tank” and the bar under Section 10-A of the Act. The petitioner contends this denial ignores the tank’s religious character and exclusive use for temple functions.

4. The patta application was rejected by the Settlement Officer and upheld on appeal. Though the RDO later granted patta recognising long enjoyment, it was cancelled by the DRO invoking Section 10-A of the Act. The petitioner’s suit in O.S. No. 1052 of 1992 and subsequent appeals up to the Supreme Court (SLP (C) No. 2795 of 2009) failed. The Supreme Court permitted liberty to seek review or approach the High Court, leading to this writ petition challenging Section 10-A’s constitutionality.



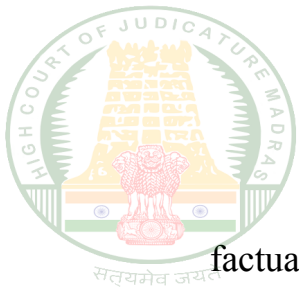
W.P.(MD) No.9605 of 2009

WEB COPY

5. The petitioner argues that Section 10-A of the Act violates Article 14 of the Constitution of India, by equating temple tanks used solely for religious purposes with private irrigation tanks, it treats unequals as equals and has no rational nexus to agrarian reform. Further it violates Articles 25 and 26 of the Constitution of India as the tank is essential to temple worship; depriving the Trust of it impairs religious freedom and management of denominational property. Further, it amounts to Doctrine of colourable legislation, as Section 10-A inserted in 1976 with retrospective effect, indirectly enables acquisition of non-agricultural religious property without compensation, contrary to the parent Act's intent. Moreover, Articles 31A and 31C of the Constitution of India cannot shield Section 10-A, as the tank is not agricultural land and its acquisition does not further agrarian reform.

6. The petitioner seeks a declaration that Section 10-A is unconstitutional and that the Trust is entitled to ryotwari patta for Survey No. 217.

7. The respondents raise a preliminary objection to the maintainability of the writ petition, contending that it lacks legal and

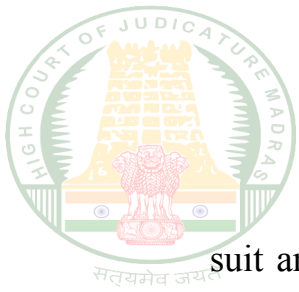


W.P.(MD) No.9605 of 2009

factual merit and is liable to be dismissed at the threshold. They submit that Survey No. 217 has consistently been classified as a “tank” in the revenue records and has never been recognised as the absolute property of the petitioner Trust. They also point out that the Soorakottai Village Panchayat has conducted public auctions for fishing rights in the tank for over a decade, evidencing governmental control and communal use.

8. Relying on Section 3(b) of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, the respondents argue that all tanks and ooranis, even those marked as private, vest absolutely in the Government upon abolition of inams. Consequently, the petitioner cannot claim any independent title over Survey No. 217.

9. The respondents dispute the claim that the tank is used solely for temple rituals, asserting instead that it is used for public purposes, including fish rearing, and that the petitioner neither possesses nor enjoys the property exclusively. They note that the petitioner’s patta application was rejected by the Settlement Officer and that this was confirmed on appeal. Although the RDO temporarily granted patta, it was later cancelled by the District Revenue Officer citing Section 10-A. The petitioner’s civil

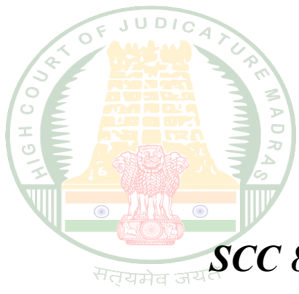


W.P.(MD) No.9605 of 2009

suit and appeals up to the Supreme Court were all dismissed. No review petition was filed, and the decree has attained finality. They argue that the present writ is a collateral challenge to settled proceedings.

10. The respondents assert that Section 10-A, inserted by Tamil Nadu Act 2 of 1976, is constitutionally valid and sets out an absolute bar on granting ryotwari patta for private tanks or ooranis, regardless of their use. Any pattas granted prior to the amendment stand cancelled. They argue that the provision applies uniformly and does not depend on proof of irrigation.

11. The plea of discrimination under Article 14 of the Constitution of India is rejected on the ground that all tanks and ooranis are uniformly vested in the Government for public purpose. The petitioner, being a temple trust, cannot claim parity with individual ryots, as pattas are granted only for cultivable lands. Similarly, the reliance on Articles 25 and 26 of the Constitution of India is said to be misconceived. Even if limited religious use is assumed, the statutory vesting does not impede ritual access or worship. The respondents rely on the Supreme Court decision in *Khajamian Wakf Estates v. State of Madras* reported in (1971) 3



W.P.(MD) No.9605 of 2009

SCC 873 to assert that acquisition of religious property under valid law is permissible.

12. The contention that Section 10-A is not protected by Articles 31A or 31C is denied. The provision is part of a broader agrarian reform initiative to vest communal resources in the State. Citing ***Damodardas Chatra v. State of Tamil Nadu***, reported in **1997 (3) CTC 631** the respondents submit that tanks and ooranis, even if labelled private, vest in the State free of encumbrances. Since the petitioner had no vested right to patta, there is no deprivation of property warranting compensation.

13. Finally, they submit that the petitioner, having failed before the civil courts and withdrawn the SLP, cannot re-agitate the issue through a constitutional challenge. The claim does not involve any violation of religious practice or temple management. Control over the tank rests with the Panchayat, which continues to auction fishing rights. On these grounds, the writ petition is said to be devoid of merit, barred by final adjudication, and not maintainable.



W.P.(MD) No.9605 of 2009

WEB COPY

14. The dispute in the present writ petition is factually narrow but jurisprudentially significant, as it implicates the intersection of statutory entitlements, constitutional freedoms, and the governance of communal resources. The petitioner claims ownership over a tank situated in Survey No. 217, asserting title under a 1932 gift deed and uninterrupted possession as part of the temple complex. The core grievance is that Section 10-A of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 - as inserted by the 1976 amendment - prohibits the grant of ryotwari patta for private tanks, thereby divesting the temple trust of its property and infringing its rights under Articles 14, 25, and 26 of the Constitution. The respondents refute both the claim of possession and the assertion of legal entitlement, invoking the statutory scheme of vesting, the finality of earlier judicial determinations, and settled constitutional doctrine.

15. The petitioner's renewed claim over Survey No. 217 disregards a consistent chain of adverse adjudications. The Settlement Officer, the Appellate Authority in STA No. 58 of 1974, and the civil courts up to Second Appeal No. 766 of 2002 have uniformly held that ryotwari patta cannot be granted in respect of the tank, in view of the express bar under Section 10-A. These findings have attained finality; the Special Leave



W.P.(MD) No.9605 of 2009

Petition was withdrawn, and no review has been sought. While it is well-settled that a constitutional challenge to a statute is not barred by res judicata, courts have repeatedly cautioned against collateral challenges that seek to reopen issues already concluded on the basis of statutory interpretation. The maintainability of the present writ petition thus hinges on whether any distinct and unresolved constitutional question remains to be adjudicated.

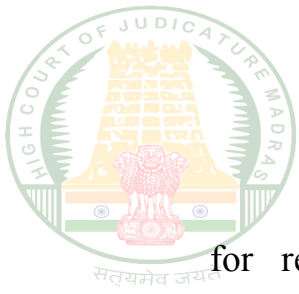
16. The framework of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, effects a comprehensive vesting of all inam lands in the State, with ryotwari pattas conferred upon eligible occupants not as recognition of pre-existing ownership, but as a statutory concession. Section 3(b) expressly provides that all tanks and ooranis—irrespective of whether they are described as private—stand transferred to and vest in the Government free of all encumbrances. Section 10-A, introduced by the amending Act of 1976, reinforces this principle by categorically prohibiting the grant of ryotwari patta in respect of any tank or oorani. Accordingly, any rights the petitioner may have derived under the 1932 gift deed were overridden by the statutory vesting. No vested proprietary right survived the abolition; at best, the petitioner held a



W.P.(MD) No.9605 of 2009

contingent statutory privilege, subject always to the legislative framework and public policy objectives of the Act.

17. In *S. Thenappa Chettiar v. State of Tamil Nadu* reported in *AIR 1986 SC 1117*, the Supreme Court upheld the constitutional validity of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, holding that agrarian reform laws protected under Article 31A are immune from challenge under Articles 14, 19, or 31. The Court clarified that the right to obtain a ryotwari patta is not a vested proprietary right but a statutory concession, which the legislature may alter or withdraw in public interest, including through retrospective amendments. Applying this principle, once the parent enactment stands constitutionally protected, any subsequent clarificatory amendment—such as Section 10-A of the Act inherits the same immunity unless shown to be ultra vires the scheme of the Act. No such infirmity arises here. Section 10-A of the Act advances the legislative objective by expressly excluding water bodies from the grant of private pattas and vesting them in the State as communal and ecological resources. The petitioner's claim to exclusive ownership over a temple tank, notwithstanding its statutory vesting, is not a constitutionally protected right. What remains preserved



W.P.(MD) No.9605 of 2009

for religious institutions is ritual access and functional use, not proprietary control over natural resources that the legislature has lawfully declared to be part of the public domain.

18. The challenge to Section 10-A of the Act on the ground that it violates Article 14 of the Constitution of India by equating temple tanks with irrigation tanks is without merit. The legislative classification is based not on the identity or character of the claimant, but on the intrinsic nature and public function of the resource. Tanks—whether used for religious purposes or otherwise—serve vital ecological and communal roles by storing water, recharging groundwater, and sustaining agrarian life. The legislature was well within its authority to adopt a uniform rule vesting all tanks in the State, thereby preventing their fragmentation into private holdings. Creating exceptions based on temple attachment or the absence of direct irrigation use would defeat the overarching public purpose of preserving water bodies as shared environmental commons.

19. The contention that denial of patta impairs religious rights is misplaced. Articles 25 and 26 of the Constitution of India safeguard the freedom to profess, practise, and manage religious affairs, but they do not



W.P.(MD) No.9605 of 2009

confer an absolute right to retain proprietary ownership over property merely because it is historically associated with religious use. As held by the Supreme Court in *Khajamian Wakf Estates v. State of Madras* reported in *AIR 1971 SC 161*, the valid acquisition of endowed property for a public purpose does not violate Articles 25 or 26 of the Constitution of India, provided the core religious practices are not extinguished. Section 10-A of the Act does not bar the temple from drawing water for ritual purposes; it merely withholds exclusive ownership over a natural resource that has been statutorily vested in the Government. Ritual access is preserved; proprietary dominion is not. There is, therefore, no infringement of religious freedom.

20. The petitioner's reliance on constitutional rights must be assessed in light of the settled constitutional position under Articles 31A, 31C, and 300A of the Constitution of India. The Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, has been consistently upheld as valid agrarian reform legislation falling squarely within the protective scope of Article 31A of the Constitution of India, as affirmed in *S. Thenappa Chettiar v. State of Tamil Nadu* and *Damodardas Chatra v. State of Tamil Nadu*. Section 10-A of the Act,



W.P.(MD) No.9605 of 2009

which forms part of this statutory framework, operates as a clarificatory provision and is likewise shielded from challenge under Articles 14 and 19 of the Constituion of India. Furthermore, insofar as the Act seeks to vest tanks and other water bodies in the State as communal assets, it advances the Directive Principle enshrined in Article 39(b) of the Constitution of India, which mandates that material resources of the community be distributed to subserve the common good.

21. With regard to the petitioner's implied grievance of unlawful deprivation of property, Article 300A of the Constitution of India provides that no person shall be deprived of property save by authority of law. In the present case, the vesting arises under a validly enacted statute that has survived constitutional scrutiny. The petitioner's claim, grounded in a prior private conveyance, cannot override a legislative declaration vesting the tank in the State for a public purpose. There is, therefore, no infringement of Article 300A of the Constitution of India.

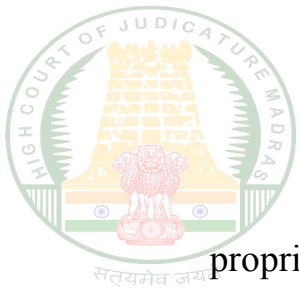
22. The argument that Section 10-A of the Act constitutes a colourable piece of legislation is without merit. The provision does not operate to confiscate private property outside the scope of the parent Act;



W.P.(MD) No.9605 of 2009

rather, it affirms that no entitlement to ryotwari patta exists in respect of tanks following the abolition of inams. Since no vested proprietary right survived the statutory vesting, the question of compensation at market value simply does not arise. The vesting of natural water bodies in the State is consistent with both the principles of agrarian reform and the public trust doctrine, which recognises the State's role as trustee of common ecological resources for the benefit of the community.

23. This Court finds that the petitioner's claim, founded on a pre-abolition grant under a 1932 deed, stood extinguished upon the coming into force of the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963. Section 10-A, inserted by the amending Act of 1976, furthers the legislative objective of vesting tanks and other water bodies in the State as ecological and communal resources. It forms part of a constitutionally protected agrarian reform statute and enjoys immunity under Article 31A of the Constitution of India from challenge on the grounds of violation of fundamental rights under Part III. The provision does not offend Article 14 of the Constitution of India, nor does it infringe Articles 25 or 26 of the Constitution of India, as it does not impede religious practice or ritual use—it merely withholds exclusive



W.P.(MD) No.9605 of 2009

proprietary control over a public resource. The plea of colourable legislation is equally without substance. Ritual access remains intact; dominion is lawfully denied. The petitioner's attempt to reassert a concluded claim under the guise of a constitutional challenge discloses no sustainable grievance. No infringement of Article 300A of the Constitution of India is made out, as the vesting is by due authority of law. The challenge to Section 10-A of the Act must therefore fail.

24. The writ petition is accordingly dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S., J.] [A.D.M.C., J.]

13.08.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS

Copy to:

State of Tamilnadu represented by its
Secretary to Government,
Fort St.George,
Chennai -9.



WEB COPY



W.P.(MD) No.9605 of 2009

S.M.SUBRAMANIAM,J.
and
DR. A.D. MARIA CLETE, J.

LS

Pre-delivery Judgment made in
W.P. (MD) No.9605 of 2017

13.08.2025