
(1993) 12 SC CK 0027

In the Supreme Court Of India

Case No : Civil Appeal No. 1211 of 1984

P. Munian and others

APPELLANT

Vs

State of Tamil Nadu and another

RESPONDENT

Date of Decision : 17-12-1993

Acts Referred:

Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 — Section 2(11), 2(9), 2(9), 3(2), 5

Citation : AIR 1994 SC 1062 : (1993) 4 SCALE 699 : (1994) 1 SCC 643

Hon'ble Judges : R. M. Sahai, J;A. S. Anand, J

Bench : Division Bench

Advocate : A.T.M. Sampath, A. Mariarputham and K. Ram Kumar, for the Appellant;

Final Decision : dismissed

Judgement

R.M.Sahai, J.—The short question that arises for consideration in this appeal is if the land in dispute is, 'minor inam' as defined in Sub-section (9) of Section 2 of the Tamil Nadu Minor Inams (Abolition & Conversion into Ryotwari) Act 1963 (Act 30 of 1963) (hereinafter referred to as 'Act 30 of 1963') or it is, 'new-mam estate' under Act 26 of 1963.

2. Proceedings commenced on an application filed u/s (5) of Act 30 of 1963 by the Devasthanam land-holder-respondent for declaration that the land in dispute of Title Deed No. 837 situated in Village Annapettai was minor inam as defined in Act 30 of 1963. The claim was contested both by the tenants-appellants and the State Government. The application was allowed by the Settlement Officer. It was found that even though the original grant had not been made available by the respondents nor extracts from Inam Fair Register were filed, yet there was material available on the record for arriving at a decision about the nature of the land. It was held that the original grant for Title Deeds Nos. 836, 838 and 839 were available. Since these grants established that the land carved out of the village had been given to these institutions it was clear that the grant in favour of

the respondents was not of the whole village/And the provisions of Section 3(2) (d) of Act 1 of 1908 were not attracted. It was also held that land covered by Title Deed No. 837 did not form part of an existing inam estate. The Settlement Officer further found that the land was neither a part village in an estate or a minor inam as from Exhibits P-5 and P-6 it was clear that even though suit lands were situated in a compact block they did not conform a homogenous area within the village as there was mixture of other inam or ryotwari lands in its midst. In appeal the order was, upheld. The appellate authority found that neither party led any oral evidence and the claim of the parties was to be decided on basis of certain documents which had been filed by the respondents. It held that there was nothing to show that the land covered by four title deeds formed part of the single grant originally and that the grant was subsequently divided into four parts. Nor did it find any merit in the submission that Ex.P-2 and P-3 indicated that the grant was of a named village. The appellate authority agreed with the Settlement Officer that the summary map, Ex. P-5, and the Ex.P-6 map indicated that the suit land was situated along with other inam or ryotwari lands. In further revision to the High Court it was held that the question about the nature of the lands was pre-eminently a question of fact and the finding being based on evidence on record was not liable to interference. Even then it examined the submission advanced on behalf of appellants that the land constituted 'new inam estate' falling u/s 2(9) of Act 26 of 1963. The High Court found that a perusal of the three grants, namely, Title Deeds Nos. 836, 838 and 839 indicated that it was made only with reference to the acreage and cawnies and with reference to paimash numbers. The High Court agreed with the appellate authority and the Settlement Officer that the evidence clearly established that the grant in favour of all the three other institutions comprised lands which were interspersed with fields which were not the subject matter of the grant. Therefore, a clear inference arose that the rest and the residue of the lands of the village should not also have been in terms of acreage and cawnies and as recognisable part or as a factional share of the village as such. The High Court found that this inference was strengthened by the survey maps as well as the original paimash register filed by the respondent. It did not find any merit in the submission advanced on behalf of appellant founded on the final assessment list published in the District Gazette for the inam lands in the Thiruthuraipoondi Taluk. The reason for this was that the definition in Act 40 of 1956 clearly indicated that full assessment of inam lands covered not merely the whole village inams or mam village falling within the definition of the expression 'estate' under the Estate Land Act, but also any land the grant of which was made as an inam and confirmed or recognised by the Government as such. The High Court found that since the definition in Act 40 of 1956 covered both the whole inam estate and minor inam estate, therefore, an order passed under Act 40 of 1956 levying full assessment on inam land would cover not only inam estates but also minor inams.

3. 'Minor Inam' under Sub-section (9) of Section 2 of Act No. 30 of 1963 means,

"(i) any inam which is not-

(a)

(b) a new inam estate as defined in Clause (9) of Section 2 of the Inam Estates Abolition Act; or

(c)

The language of Sub-section (9) clearly indicates that minor inam is something like a residuary clause. In other words what is not inam is defined in various Sub-sections shall be deemed to be minor inam. Since it was claimed in the High Court that the land in dispute was not minor inam only because it was a new inam estate as defined in Sub-section (9) of Section 2 of Act 30 of 1963 it is not necessary to extract other sub-sections of this Section. New Inam Estate' under Sub-section (9) of Section 2 of Act 26 of 1963 means a part village inam estate or a Pudukkottai inam estate. What is meant by part village inam estate is defined by Sub-section (11) as under:

Part village inam estate' means a part of a village...the grant of which part has been made, confirmed, or recognised by the Government notwithstanding that subsequent to the grant, such part has been partitioned among the grantees or the successors-in-title of the grantee or grantees.

Explanation-I- (a) Where the grant of a part of a village as an inam is expressed to be a specified fraction of, or a specified number of shares in, a village, such part shall be deemed to be a part village inam estate notwithstanding that such grant refers also to the extent of such part in terms of acreage or cawnies, or of other local equivalent.

(b) where a grant as an inam is expressed to be only in terms of acreage or cawnies, or of other local equivalent, the area which forms the subject matter of the grant shall not be deemed to be a part village inam estate.

Explanation-II- A part of a village granted in inam shall be deemed to be a part village inam estate notwithstanding that different parts of such part village were granted, confirmed or recognised on different dates or by different title deeds or in favour of different persons." Clause (b) to the Explanation (I) explains the meaning of 'part village inam estate'. It excludes all those grants which are in terms of acreage or cawnies. It has been found by the High Court on appreciation of evidence that the grant was in terms of acreage or cawnies. Since this is a finding of fact which cannot be assailed and in fact has not been assailed the land in dispute could not be part village inam estate and consequently could not be new inam estate within meaning of Sub-section (9) of Section 2 of Act 26 of 1963. In view of this it is not necessary to examine other aspects on which the High Court decided in favour of the respondent.

4. The appeal consequently fails and is dismissed. But there shall be no order as to costs.