
(1959) 09 MAD CK 0056
In the Madras High Court

The State of Madras

APPELLANT

Vs

L.P.L. Periakaruppan Chettiar and Others

RESPONDENT

Date of Decision : 11-09-1959

Acts Referred:

Madras Estates Land Act, 1908 — Section 3(2)(d)

Citation : (1960) 73 LW 110 : (1962) 1 MLJ 170

Hon'ble Judges : P.V. Rajamannar, C.J

Bench : Single Bench

Judgement

P.V. Rajamannar, C.J.—This is an appeal from the Judgment and Decree of the learned Subordinate Judge of Sivaganga in O.S. No. 4 of 1954. The suit was filed by the Nemam Jayankonda Soleswarar temple represented by its trustees consequent on the action taken by the State of Madras under the Rent Reduction Act (XXX of 1947) and the Estates Abolition Act (XXVI of 1948) in respect of alleged whole inam village falling within the scope of the said two Acts. The plaintiff prayed for a declaration that the State had no jurisdiction to deal with the concerned inams as they were not "estates" within the meaning of the Madras Estates Land Act. The suit relates to what are described as the villages of Nemmeniendal, Chettiendal, Vettaikaranendal, Nallampillai, Pethanendal, Ugandavayal and Sirukudivayal. The only question which arose before the learned Subordinate Judge of Sivaganga was whether these alleged villages were "estates" within the meaning of the Estates Land Act. The learned Judge held that none of the so called villages could be deemed to be whole villages and that they are therefore not estates within the meaning of Section 3(2)(d) of the Madras Estates Land Act. He held that Nallampillai Pethanendal, Nemmeniendal, Chettiendal, and Vettaikaranendal were all hamlets attached to the village of Nemam and that the subject-matter of the grant to the temple in Ugandavayal and Sirukudivayal was only specific plots of land forming portion of an inam village. On this finding the learned Judge gave a declaration to that effect and an injunction restraining the Government from taking any action under either of the two Acts mentioned above. The State of Madras is the appellant before us.

2. At the outset we may observe that the material evidence bearing on the question which falls for decision is extremely meagre. The original grants were not produced and we have no idea as to the terms of the original grants. The only documents which are of some assistance are extracts from the Inam Fair Register and Inam Statements and an old account of fasli 1211.

3. The extract from the Inam Fair Register relating to Nallampillai Pethanendal is Exhibit A-4. It is true that it is referred to as one of the "villages" granted for the support of Sri Jayankonda Soleswarar Swami in Nemam. It appears to have been clubbed with other villages belonging to the temple and jodi was being collected for all the villages belonging to the temple in Nemam. The grant was apparently by one of the Pandiyan Kings. The only significant fact which is of importance which we are able to find from this extract is that the boundaries of the so-called village were not recorded in any account in any year previous to the date of the inam settlement. In the Inam statement relating to the village, Exhibit A-3, the description of the village is Nemam Gramam Nallampillai Pethanendal. This village is mentioned in the account of fasli 1211 but unfortunately the cadjan leaf pertaining to this village got broken. From the Inam Fair Register we also find that the total extent of this village was about 23 acres, 57 cents. On this meagre evidence available to us we are of opinion that the grant in this case could not have been of a whole village in inam. Our reasons for coming to this conclusion are:

(1) The extent at the time of settlement was only about 24 acres and it is most unlikely that such a small extent would have constituted a village at the time of the original grant which must have been some time in the 18th century;

(2) The suffix "endal" denotes generally a hamlet. In the Tamil Lexicon, Vol. I, page 559, one of the meanings of "endal" is given as "hamlet of a big village". vide also *Karuppi v. Palaniappa Chettiar* (1954) 2 M.L.J. 454.

In the Inam statement which must have been made by persons acquainted with the locality the name of the village is prefixed by the name of the main village, Nemam.

(3) As already mentioned, the village in question did not have any specified boundaries recorded in any account prior to the date of the Inam Settlement.

Having regard to all these circumstances we hold, agreeing with the learned trial Judge, that Nallampillai Pethanendal is not an "estate" within the meaning of the definition of the term in the Madras Estates Land Act.

4. Next we come to three villages dealt with together in an extract from the Inam Fair Register, Exhibit A-2. They are Nemmeniendal, Vettaikaranendal and Settyendal. Here again the date of the grant is unknown but the grantor was Savundarapandya Raja. The jodi in respect of these villages was being collected along with other villages belonging to the temple in a lump sum. In the inam statement relating to this group of villages, Exhibit A-1, these three are

described as "Nemom Ulkadai". Now "Ulkadai" signifies a subordinate hamlet in a village group - vide Tamil Lexicon, Vol. 1, page 393. In the account of fasli 1211 there is clear indication that these three formed hamlets of Nemam. They are specifically mentioned and clubbed, together as "in all three endals" of Nemam. On these findings the only conclusion possible is that the grant in respect of these villages could not have been grant of three whole villages. They are therefore not estates within the meaning of the Estates Land Act.

5. We are left with Ugandhavayal and Sirukudivayal with regard to which the evidence is unmistakable that they were not even hamlets but they related only to grants of small extents of land in an ayan village. The material documents are Exhibits A-5 and A-6 in respect of Ugandhavayal and Exhibits A-7 and A-8 in respect of Sirukudivayal. In Exhibit A-6 there is mention of the fact that the inam had no recorded boundaries and that it is situated in the midst of an ayan village. A similar statement is found also with regard to Sirukudivayal in Exhibit A-8. In the inam statements relating to these two inams, we find the description "Nemam Sirukudivayal Ulkadai". The grants relating to these two inams appear to be only of separate plots of land and not even hamlets. Obviously these inams cannot fall within the category of estates within the meaning of the Estates Land Act. We are therefore in agreement with the judgment of the learned trial Judge that the Government was not entitled to take proceedings either under Act (XXX of 1947) or (XXVI of 1948) in respect of the said inams. The appeal fails and is dismissed with costs of the plaintiffs-respondents.