
(1964) 03 MAD CK 0032

In the Madras High Court

Case No : Special Tribunal Appeal No. 3 of 1959

The State of Madras

APPELLANT

Vs

M.S. Seeni Mohammed and Others

RESPONDENT

Date of Decision : 27-03-1964

Acts Referred:

Madras Estates Land Act, 1908 — Section 3(2), 7

Citation : (1964) ILR (Mad) 874

Hon'ble Judges : S. Ramachandra Ayyar, C.J.; Ramakrishnan, J

Bench : Division Bench

Advocate : A. Alagiriswami, Government Pleader, R.G. Rajan and V. Ramaswami, for the Appellant; R. Kesava Iyengar and K. Parasaran, for the Respondent

Final Decision : Dismissed

Judgement

S. Ramachandra Ayyar, C.J.—This is an appeal by the State u/s 7 of the Madras Act XXX of 1996 against the order of the Tribunal

holding that the village of Chakravalanallur in Ramanathapuram taluk is not an inam estate. The Inam Settlement Officer Suo motu commenced an

enquiry under the provisions of Madras Act XXVI of 1948. He came to the conclusion that the village is an inam estate. On appeal, the Tribunal

was not convinced that the village was an inam coming within the meaning of Section 3(2)(d) of the Madras Estates Land Act. In that view it

became unnecessary for it to go into the further question whether it is an inam estate or not. The facts are these. There was, dharmasasanam grant

of the entire village in the year 1733 by the Rajah of Ramanathapuram in favour of certain Brahmins. The nature of the inam was Bhattavrithi and it

was to enure hereditarily in the families of the grantees. The entire village is divided into 44 pangus. Several years later the Dewan of

Ramanathapuram acquired 4 1/2 shares out of the total extent of 44 shares in the village and this area was subsequently granted in favour of Sri

Sivasubramania swami temple in Peruvayal. There can be little doubt that this acquisition by the Dewan was on behalf of the Rajah of

Ramanathapuram who later granted the area acquired to the temple as a minor inam. Both these inams were confirmed by the British Government

and separate title deeds were issued to the grantees' successors. So far as the subsequent grant is concerned it has been described in the Inam

Fair Register as permanent one for the support of the Pagoda of Sivasubramaniaswami in Peruvayal in Ramanathapuram taluk. The question that falls for consideration is, whether the grant that was made in 1783 as confirmed by the Government was of the whole village.

2. Quite recently the Supreme Court in Civil Appeal No. 478 of 1962 pointed out that where after the date of the grant, the grantee had alienated

the inam land and in the course of enfranchisement proceedings the entire area of the land granted was confirmed but separate title deeds were

issued in favour of persons in possession of different plots, the confirmation should not be held to be of the entire village. While reaching that

conclusion the Supreme Court approved of the decision of this Court in *Burugu Viswanadham Brothers Vs. Yarru Subbaiya*, . In that case there

was a grant of an entire village to a person as Bhatavriti Shrotriya inam; prior to the inam settlement a sub-grant was made by the grantee of

some portion of the inam and at the time of settlement the Inam Commissioner confirmed both the grants and issued separate title deeds.

Kuppuswami Aiyar, J., held that there was no confirmation of the grant of the entire village as such. The case before us is, in our opinion, similar to

the decision in *Burugu Viswanadham Brothers Vs. Yarru Subbaiya*, . But the learned Government Pleader appearing for the Appellant however,

contends that the present case should be treated as one where there has been a confirmation of the entire grant of 1733, that therefore it should be

deemed to be the only grant recognised by the Inam Commissioner and that the mere fact that separate title deeds were issued to the descendants

of the original grantees as well as to the temple cannot affect the real character of the confirmation. We are, however, unable to accept that

contention. The nature and character of the two inams are different. From the relevant extract of the Fair Inam Register, we see a distinction was

made between minor grant which has been described as a grant to the temple for all time, while the major grant has been described as hereditary

Bhatavrithi inam. It is, therefore, not a mere case of the temple acquiring, by purchase, title to the property from the successors of the original

grantees. On the other hand it is a case of the grantor himself acquiring part of the area and making a grant of the part so acquired. Such a case in

our opinion, would be governed by the first of the two categories of cases set out in the decision of the Supreme Court referred to above. The

confirmation of the grant of the village of Chakravalanallur cannot therefore be held to be of the entire village. The appeal fails and is dismissed with

costs.