

Copy of Judgment Reported in Tamil Nadu Law Notes Journal, 1975

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Veeraswami C.J. and Muthuchami .. Petitioners  
and others

Natarajan, K. Vs.

Muthiah Chettiar and others .. Respondents

S.T.A. No. 2 of 1973, dated 16th September 1975

Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 - S.9 Yajurveda Padasala - whether religious Institution proof of Pannai necessity to prove personal cultivation.

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The appeal is from an order of the Inam Tribunal. It reversed an order of the Assistant settlement Officer and remitted an application for ryotwari patta asked for the trustees of what is called Yajur Veda Padasalai run in the Perumal and Siva Temple at Tirumayam. The Assistant Settlement Officer granted patta partly in favour of the trustees and partly in favour of the ryots, who were the appellants before the Tribunal and here. The Tribunal was of the view that Yajurveda Padasalai was a religious Institution, which would imply that for purposes of Madras Act 26 of 1963, the Trustees would not be called upon to prove personal cultivation in order to entitle them to treat the land as private and therefore apply for ryotwari patta therefor. The Tribunal merely referred to the definitions of specific endowments religious charity and a mutt under the Hindu Religious and Charitable Endowments Act and then immediately concluded that because the Padasalai was teaching Yajurveda in the Perumal and Siva Temple at Tirumayam it automatically followed that it was a religious institution. We are unable to agree with this view. A religious institution one in which worship is done to an idol, or some religious service is done to idol or in connection with a festival in a temple. Likewise a Kattalai or a specific endowment is considered to be a religious charity because the service is religious. Yajurveda by itself will not be of a religious character and convert the institution into a religious institution. The location of the

Padasalai in the temple premises will make no difference any more than if an ordinary school imparting secular instructions were situate therein. It would be called a religious institution for that reason. What decides the character of the institution as religious is that the institution by itself must be of a religious character. In other words, either worship should be conducted thereon in connection with the idol or a festival in the temple. Some service of a religious character should be conducted. This is not of that type. There is no comparison between a mutt and Yajur Veda Padasalai. The mutt itself is a religious institution because it is engaged in the propagation of religious and a particular form of worship. We are of the view therefore that the Yajur Veda Padasalai in Perumal and Siva Temple at Tirumayam cannot be regarded as a religious institution and therefore if the institution claims a land to be pannai, it is necessary for it to prove also personal cultivation as required by the provisions of Madras Act 26 of 1963. On the other question, as to the character of the land of the Veda Padasalai the order of the Tribunal does not appear to proceed on the proper test of private lands. If the Tribunal meant that the lease deeds or sale deeds would by themselves establish the character, that would not be right. What is necessary to prove a land to be pannai is that the institution should hold the land as its own and evidence an intention to hold the land as its own but relief on the test of cultivation, that would have to be proved for the requisite number of years as provided for in Section 9 of Madras Act 26 of 1963. Since documents relating to the question were not marked, we have to uphold the order of the Tribunal sending the application back for disposal by the Assistant Settlement Officer. But the Assistant Settlement Officer will do so treating the Yajur Veda Padasalai not as a religious institution.

Mr. Venkataraman for Appellant.

Mr. P. Rangasami Iyengar for Respondent.

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