



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

A.Nos.4804 & 4805 of 2022

K.P.Muthuvel

... Applicant in both

-VS-

The Administrator General and Official
Trustee of Tamil Nadu,
City Civil Court Additional Building, 1st Floor,
AG & OT Office, High Court Complex,
Chennai 600 104.

..Respondent in both

A.No.4804 of 2022

Prayer: Set aside the Public Auction Notice dated Nil issued by the respondent, which was published in Dinamalar Daily Newspaper dated 17/07/2022, in so far as the property in Serial No.11 is concerned measuring 8.75 cents in T.S.Nos.41, 42, 43 and 44, New Ward No.A, Block 14, Kutcheri Street, Gobichettipalayam, Erode District for monthly rent.

A No. 4805 of 2022

Prayer: To stay the Public Auction Notice dated Nil issued by the 1st Respondent, which was published in Dinamalar Daily Newspaper dated 17/07/2022 in so for as the property in Serial No.11 is concerned measuring 8.75 cents in T.S.Nos.41, 42, 43 and 44, New Ward No.A, Block 14, Kutcheri Street, Gobichettipalayam, Erode District for monthly rent pending disposal of the Application.

For Applicant: Mr.S.A.Shanmugam

For Respondent: Ms.D.Varsha
Dy. AG & OT

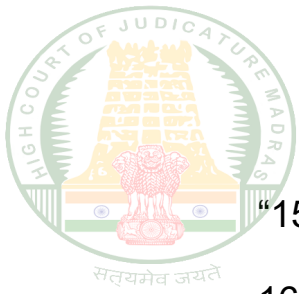


ORDER

The present Application has been instituted, challenging Public Auction Notice dated Nil issued by the respondent, which was published in Dinamalar Daily Newspaper dated 17.07.2022, insofar as the property in Serial No.11 is concerned measuring 8.75 cents in T.S.Nos.41, 42, 43 and 44, New Ward No.A, Block 14, Kutcheri Street, Gobichettipalayam, Erode District for monthly rent. A.No.4805 of 2022 has been filed seeking stay of Public Auction Notice.

2. Learned counsel for the Applicant would mainly contend that properties mentioned in the application are not covered under Scheme Decree. In this regard, a Civil Suit in O.S.No.43 of 2022 on the file of District Munsif Court, Gobichettipalayam, Erode was filed and the plaint was rejected at the instance of AG and OT under Order 7 Rule 11 (d) of CPC, against which an Appeal has been instituted.

3. May that as it be, learned AG & OT would draw the attention of this Court with reference to Scheme Decree passed by Sub Court, Gobichettipalayam on 28.04.2018 in I.A.No.413 of 2017 in O.S.No.76 of 1981. As per Schedule II, Item Nos.15 and 16, subject property vests with AG and OT. As per report of AG and OT, filed based on Scheme Decree, AG and OT is claiming right over the property. Details of Item Nos.15 & 16 are extracted hereunder:



15. Vacant Site, Door No.92-1: Cutchery Street, Gobi-Town.

16. Vacant Site, Door No.92: Cutchery street, Gobi Town alienated in favour of 13th defendant.

Both the Item 15 and 16 mentioned as vacant site measuring 30 cents in the Will. The 13th defendant purchased a part of the property measuring 21¼ cents under Ex.B136 and Ex.B137. The property purchased under Ex.B136 & 137 is deleted as per Order of Hon'ble Supreme Court. The remaining property having an extent about 8¾ cents is included in the Trust Properties.”

4. Per contra, Applicant states that subject property is not covered under Scheme Decree. It is seen that Applicant has already instituted Civil Suit and plaint was rejected. Appeal came to be filed against rejection of plaint. Therefore, it is for the Applicant to establish her title and ownership in respect of the subject property. As of now, the property vests with AG & OT under Scheme Decree. Therefore, the present Applications cannot be entertained. Disputed facts relating to title or ownership cannot be adjudicated in this application and it is to be decided only by competent Court in the manner known to law.

With the above observations, Applications stand dismissed.

10-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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WEB COPY

To:

The Administrator General and
Official Trustee of Tamil Nadu,
High Court Campus,
Chennai - 600 104.

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S.M.SUBRAMANIAM,J.
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