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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.16129 of 2013

and

M.P.No.1 of 2013

A.Velayutham

...Petitioner

Vs

1. The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur,
Vellore District.

2. The Inspector,
Hindu Religious and Endowment Department,
Tirupattur,
Vellore District.

3. The Sub Registrar,
Natrampalli,
Vellore District.

4. The President,
Periakonappattu Village,
Pudupettai Post,
Tirupattur,
Vellore District.

.... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from interfering with the petitioner's peaceful possession, enjoyment and right of conveyance of the property comprised in survey No.146/2, Periakonappattu Village having extent of 2.97.0 hectares except following due process of law.

For Petitioner :	Mr.T.P.Prabakaran
For R1 :	Mr.P.Balathandayutham Special Government Pleader
For R2 :	Mr.S.Yashwanth Additional Government Pleader (HR&CE)



For R3 : Mr.Yogesh Kannadasan
Special Government Pleader
For R4 : Mr.M.Sathish Kumar

ORDER

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This writ petition has been filed for issuance of Writ of Mandamus, forbearing the respondents from interfering with the petitioner's peaceful possession, enjoyment and right of conveyance of the property comprised in survey No.146/2, Periakonappattu Village having extent of 2.97.0 hectares except following due process of law.

2. Heard, Mr.T.P.Prabakaran, learned counsel appearing for the petitioner, Mr.P.Balathandayutham, learned Special Government Pleader appearing for the first respondent, Mr.S.Yashwanth, learned Additional Government Pleader (HR&CE) appearing for the second respondent, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the third respondent and Mr.M.Sathish Kumar, learned counsel appearing for the fourth respondent.

3. The case of the petitioner is that the petitioner's ancestor Chennappan Chettiar settled a property, comprised in survey No.146/2 to an extent of 2.97.0 hectares situated at Periakonappattu Village, in favour of his son Sendraya Chettiar with an object of maintaining two temples viz., Panduranga Koil and Ambupuriamman Koil out of the income derived from the said property. The settlement deed further stipulated that every year during Dwadasi, 50 poor persons should be given free food and clothes. After execution of the settlement deed, the settler died and the settler himself was taking care of the minor son of the settler viz., Ponnurangam. After demise of the said Chennappan Chettiar, the third son of the settler administered the said property till attainment of the majority of the said Ponnurangam. After attainment of majority, the entire administration of the property was handed over to the said Ponnurangam.

4. In the meanwhile, 1.50 acres of land was acquired for the purpose of Harijin Welfare and 10 cents of the lands were given for burial ground. Thereafter, the said Ponnurangam executed a Will in favour of the petitioner and the entire property was conveyed to the petitioner. There is no income from the said property to perform the works prescribed in the settlement deed. In the meantime, the petitioner proposed to sell the properties to the third parties. However, the second respondent objected the same and hence, the petitioner filed the present writ petition.



5. A perusal of the counter filed by the second respondent reveals that the Temple called Arulmigu Panduranga @ Thirunarayaswamy Temple and Anbupuriamman Samedha Maruthavaneeswarar Temple are under the administrative control of the Assistant Commissioner, HR & CE Department, Vellore. In the year 1941, settlement deed was executed by one Chennappan Chettiyar in favour of his son Sendraya Chettiyar to perform some functions in respect of the aforesaid temples. There is an absolute dedication of properties in favour of the said two temples. Now, the petitioner said to have been claimed the property through the Will from the said Ponnurangam and also intended to sell the property.

6. A perusal of the settlement deed dated 09.03.1941 registered vide document No.615 of 1941 reveals that the entire subject property was settled with an object of maintaining the aforesaid two temples out of the income derived from the said property.

7. However, there is a specific apprehension in respect of alienation of the subject property. Therefore, any alienation made by the successor of Sendraya Chettiyar is illegal and void. The execution of Will in favour of the petitioner itself is void and as such, the petitioner has no title over the property and he cannot seek any permission to sell the property. As per the settlement deed, the subject property settled in favour of the settlee with an object of maintaining the aforesaid temples and other charity activities. Therefore, the petitioner has no locus to file this writ petition and the same is devoid of merits.

8. In the result, the writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The Inspector of Police,
Tirupattur Taluk Police Station,
Tirupattur,
Vellore District.



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Hindu Religious and Endowment Department,
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4. The President,
Periakonappattu Village,
Pudupettai Post,
Tirupattur,
Vellore District.

+1cc to Mr.T.P.Prabakaran, Advocate, S.R.No.3910

+2cc to the Special Government Pleader, (HR&CE) S.R.No.4170,4289

W.P.No.16129 of 2013 and
M.P.No.1 of 2013

SSM(CO)
CT 09/02/2022