



WEB COPY



W.P.No.35917 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.35917 of 2024
and
W.M.P.Nos.38790 and 38791 of 2024

P.Thirumalai

... Petitioner

VS.

1.The Assistant Commissioner
HR and CE, Collectorate,
Kancheepuram District.

2.The Divisional Engineer,
Chennai Kanyakumari Industrial Corridor Project,
47, 2nd Main Road, Ennaikaran Street,
Kanchipuram 631 501

3.The Special District Revenue Officer (LA),
Highways Department,
District Collector Office Compound,
Kanchipuram 631501.

4.The Thakkar,
Shri Mohambariamman Thirukoil,
Ayanpettai Village,
Wallajabad Taluk,
Kancheepuram District – 631 001.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to consider the reply dated 07.08.2024 given by the Petitioner to the Notice dated 02.08.2024 issued by the 4th Respondent and consequently direct the respondents 2nd and 3rd to pay the necessary compensation for the land to be acquired for widening the road pertaining to the Chennai-Kaniyakumari IT Corridor from the property situated at No.65, Keezh Street, Ayyanpettai Village, Walajabad Taluk, Kancheepuram District from and out of admeasuring 800 Sq.Ft., comprised in Survey No.26/2, Ayyanpettai Village, Walajabad Taluk, Kancheepuram District, from petitioner.

For Petitioner : Mr.M.Vijay Anand

For R1 and R4 : Mr.K.Karthikeyan
Government Advocate (HR and CE)

For R2 and R3 : Mr.S.Balamurugan
Government Advocate

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.



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2. The Writ Petition is filed seeking a direction to the respondents to consider petitioner's reply dated 07.08.2024 for the notice issued by 4th respondent dated 02.08.2024 directing the petitioner to handover possession of 667.12 sq.ft., of land belongs to the 4th Respondent-Temple.

3. It is the case of the petitioner that he purchased 800 sq.ft., of land out of 93 cents in S.No.26/2 from one Chinandi Mudaliyar and the same was registered as Document No.858/1982 on the file of SRO, Walajabad. It is admitted case of the petitioner that the above said property along with larger extent originally belongs to 4th Respondent-Temple. According to the petitioner, the said property sold by Trustee of the Temple in favour of Sengunthar Mudhaliyar Community Members of Ayyampettai Village, represented by Ruthirakotti Mudhaliyar and others under a registered Sale Deed dated 15.10.1981 vide Document No.2442/1981 on the file of SRO, Walajabad. The petitioner said to have purchased 800 sq.ft., of land in the above said survey number from one among 12 members of said Sengunthar Mudhaliyar Community People namely Chinandi Mudaliyar. The petitioner has been in possession and enjoyment of the property from the date of purchase.



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4. All of a sudden, the 4th respondent issued a notice on 02.08.2024 directing the petitioner to handover possession to the Temple. The petitioner submitted a reply on 07.08.2024 mentioning the purchase made by him and asserted his right over the property. In spite of reply submitted by the petitioner asserting his right over the said property, the respondents attempted to dispose the petitioner without following due process of law. Therefore, the petitioner has filed this writ petition seeking a direction to the respondents to consider the reply dated 07.08.2024 submitted by the petitioner.

5. It is seen from the averment contained in the affidavit and also typed-set of papers, the petitioner's vendor purchased the property in the year 1981 from the Trustee of the 4th Respondent-Temple. However, there is nothing on record to suggest that the said sale by Trustee in favour of Sengunthar Mudhaliyar Community People was sanctioned by the Commissioner, HR and CE Department under Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.



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6. Mr.K.Karthikeyan, learned Government Advocate (HR and CE) takes notice for the respondents 1 and 4 and Mr.S.Balamurugan, learned Government Advocate takes notice for the respondents 2 and 3.

7. The learned Government Advocate (HR and CE) appearing for the respondents 1 and 4 by relying on RTI reply enclosed in the typed-set of papers submits that the sale in favour of the petitioner's vendor was not sanctioned under Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

8. When the sale in favour of the vendor of the petitioner's husband was not sanctioned by the Competent Authority, the same shall be treated as a void document. Therefore, any subsequent purchase made by the petitioner will not give any right over the subject property. Nevertheless, for the notice issued by the 4th respondent dated 02.08.2024, the petitioner has submitted a reply on 07.08.2024, the same shall be considered by 4th respondent in accordance with law. In case, the 4th respondent wants to take over the possession of the property, it is for him to follow due process of law. It is



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made clear that without following due process of law, the petitioner's possession shall not be disturbed.

9. With the above clarification, the Writ Petition stands disposed of.

No costs. Consequently, the connected writ miscellaneous petitions are closed.

26.11.2024
(1/2)

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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S.SOUNTHAR, J.

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