



WEB COPY



W.P.No.37878 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.37878 of 2024 and
W.M.P.No.40953 and 40955 of 2024

Mrs.Parameswari

... Petitioner

VS.

1. The Assistant Commisisioner
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 631 501

4. The Thakkar
Shri Mohambariamman Thirukoil
Ayanpepttai Village,
Wallajabad Taluk,
Kancheepuram District-631 001.

... Respondents

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 29.10.2024 given by the petitioner to the Notice dated



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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 64 (1), Keezh Street, Ayyanpettai Village, Walajabad TALuk, Kancheepuram district from and out of admeasuring 720Sq.ft., comprised in Survey No.26/ 2, Ayyanpettai village, walajabad TALuk, Kancheepuram District, from petitioner.

For Petitioner : Mr.M.Vijay Anand

For Respondents : Mr.K.Karthikeyan for R1 & R4
Government Advocate (HR & CE)

Mrs.S.Jayanthi for R2 & R3
Additional Government Pleader

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.

2. The Writ Petition is filed seeking a direction to the respondents to consider petitioner's reply dated 29.10.2024 for the notice issued by 4th respondent dated 02.08.2024 directing the petitioner to handover possession of 602.56 sq.ft., of land belongs to the 4th Respondent-Temple.



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3. It is the case of the petitioner that her husband purchased 720 sq.ft., of land in S.No.26/2 from one Kuppusamy Mudaliyar and the same was registered as Document No.1108/1982 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's husband said to have purchased 720 sq.ft., of land in the above said survey number from one Kuppusamy Mudaliar, who inturn purchased from one among 12 members of said Sengunthar Mudhaliyar Community People. The petitioner's husband has been in possession and enjoyment of the property from the date of purchase.

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 29.10.2024 mentioning the purchase made by her husband and asserted her right over the property. In spite of reply submitted by the petitioner asserting her right over the said property, the respondents



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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 29.10.2024 submitted by the petitioner.

5. It is seen from the averment contained in the affidavit and also typed-set of papers, the petitioner's husband'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.

6. Mr.K.Karthikeyan, learned Government Advocate (HR and CE) takes notice for the respondents 1 and 4 and Mrs.M.Jayanthi, learned Additional Government Pleader 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 husband's vendor was not sanctioned under Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.



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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's husband 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 29.10.2024, 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 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.

11.12.2024

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

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