



W.P.(MD) No.20110 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20110 of 2024

Arasa Charitable Trust,
Represented by its Manager,
T.K.Prem Kumar
No.3B, D2D2 Road,
Balarengapuram,
Madurai-625 009.

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Revenue Division Office,
Madurai District.

3.The Tahsildar,
Madurai South Taluk,
Madurai.

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondent Nos.2 and 3 to consider the application of the petitioner's trust for mutation of patta, based on the representation of the petitioner trust dated 09.08.2024.



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For Petitioner :Mr.B.Prasanna Vinoth
For Respondents :Mr.P.Thambidurai,
Government Advocate

ORDER

This writ petition is filed for issuance of a writ of mandamus to direct the second and third respondents to consider the application of the petitioner Trust for mutation of patta, based on the representation dated 09.08.2024.

2.The petitioner, who is the Manager of the Trust is before this Court.

3.From the records, it is seen that one R.K.Sundararaja Naidu, founded a Charitable Trust in the year 1949, to carry out the charitable activity and to perform 'Annadhanam' on the eve of Thirupparankundram Murugan Temple Festival and Kallalagar Temple Festival. He bequeathed his property by way of a registered Will dated 07.12.1949 and the said property has been described as 4 schedules in the Will for the purpose of Charity, in the following manner, (i)the land to an extent of 68 cents in S.F.No.2477(New S.F.No.2477/1, 2477/8, 2477/18,



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2477/19) situated at Anuppanady, Madurai South, Madurai, (ii)the land to an extent of 22 ½ cents in S.F.No.2393 (Ward 1; Block 49, T.S.2) situated at Anuppanady, Madurai South, Madurai, (iii)the land to an extent of 1 acre 3 ½ cents in S.F.No.2394 (Ward 1; Block 49, T.S.3) situated at Anuppanady, Madurai South, Madurai and (iv)the land to an extent of 1 acre 2 cents in S.F.No.2375/1 situated at Anuppanady, Madurai South, Madurai.

4.On 16.03.1969, one R.Kondasamy Naidu, who is one of the beneficiaries under the said Will in respect of the other property had sold 40 cents of land and 1 acre 1 cent from the above properties. The same was questioned by the petitioner and a suit was filed against the said R.Kondasamy Naidu to set aside the sale and the matter went up to the Hon'ble Supreme Court in S.L.P.Civil.No.2401 of 2003 and the sale was set aside.

5.The petitioner is now in possession of 28 cents in New S.F.No. 2477/1, 2477/8, 2477/18, 2477/19(Old S.F.No.2477), 22 ½ cents in Ward



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1, Block 49, T.S.2(Old S.F.No.2393) and 1 Acre 3 ½ cents in Ward 1; Block 49, T.S.3(Old S.F.No.2394). The Trust is now functioning under the wife of the founder trustee's grandson and it is reorganized in the name of 'Arasa Charitable Trust' for the purpose of performing the same object as envisaged by the founder trustee. The revenue records do not stand in the name of the Trust. Despite being in possession of the property, the petitioner trust is unable to fully enjoy the same. Therefore, they had made a representation on 21.05.2024 to the respondents to mutate the revenue records, and once again gave a representation on 09.08.2024 to correct the survey numbers of the aforesaid lands. Since the petitioner's representation has not been considered, the petitioner is before this Court.

6.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

7.In the affidavit that has been filed in support of the writ petition, a reference is made that the original founder trustee had founded a



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charitable trust, but however, the details of trust and the trustee have not been given. In case the property stand in the name of one charitable trust and there is a recital that it can be transferred to other charitable trust, the subsequent trust would automatically step into the shoes of the original trust, but such a recital is not found in the Will.

8.In view of the above, this Court directs the second and third respondents to direct the petitioner to produce all the documents which would indicate their ownership and possession of the property and also call for the suit papers as well as the SLP papers and on submission of those documents, the second and third respondents shall consider the representation of the petitioner dated 09.08.2024 and pass orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

9.With the above direction, this Writ Petition stands allowed. No costs.

22.08.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes



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P.T.ASHA, J.
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To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar,
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