



W.P.(MD)No.29128 of.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2024

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CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.29128 of 2024

Saadhu Sennimalai Thambiran
Swami Madam(Trust) Palani,
Rep. by Gopinath
Hereditary Trustee

...Petitioner

-Vs-

- 1.The Commissioner,
Hindu Religious and Charitable Endowment,
Administration Department,
Nungambakkam High Road,
Chennai – 600 034.
- 2.The Joint Commissioner (Additional in charge),
Hindu Religious & Charitable
Endowment Department, Madurai.
- 3.The Special Officer,
Arulmighu Gopinathaswamy Thirukovil
Reddiar Chathiram,
Dindigul District.
- 4.The District Registrar,
Dindigul District, Dindigul.
- 5.The Sub Registrar,
Palani Sub Registration Office,
Dindigul District.
6. The Municipal Commissioner,
Palani,
Dindigul District.



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7.V.V.Vasan
8.N.Kanagamani
9.P.Raman @ Ramuthervar
10.N.Ravikumar
11.N.Purushothaman
12.V.Kannammal
13.K.Muthulakshmi

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 4, 5 to make an entry as “DOCUMENT CANCELLED” as per the order made in C.R.P.No. 29/2009 dated 7/11/2014 to be entered below the entry of sale deeds dated 17/5/2001 bearing document Nos 866, 867, 868, 869, 870 in the encumbrance certificate on the basis of petitioner representations dated 5/10/2024, 18/11/2024.

For Petitioner	: Mr.R.G.Shankar Ganesh for M/s.RGS Law firm
For Respondents	: Mr.D.Sadiq Raja Additional Government Pleader for RR1, 2, 4 and 5 Mr.C.Guhaseelaruban for R3 Mr.R.P.Mauriya for R6

ORDER

This writ petition has been filed for a direction, directing the fourth and fifth respondent to make entries as “document cancelled” as per the order passed in C.R.P.No.29 of 2009 dated 07.11.2024 in respect of the document which was registered vide document No.866 to 870 in the encumbrance certificate, dated 17.05.2021 in the encumbrance certificate.



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2.The petitioner is claiming to be Trustee of the petitioner's trust and submit a representation to make an entry in respect of the order passed in C.R.P.No.29 of 2009 dated 07.11.2024.

3.The petitioner's mud is an immovable property. It is under the control of the first respondent due to fraudulent act. The documents were registered in respect of the petitioner's property comprised in S.No.59/2B to an extent of 3 acres 82 cents in favour of the respondents 7 to 11 herein by sale deed dated 17.05.2021 registered vide documents Nos.866 to 870. Subsequently, the respondents 7 to 11 had executed the sale deed in favour of the 12th respondent registered vide document No.1668/2002, dated 15.07.2002.

4.Similarly, the respondents 7 to 11 had also executed another sale deed dated 17.03.2003 vide document No.397 of 2003 in favour of the 13th respondent. Therefore, the respondents 1 and 2 have filed a petition in C.R.P. (NPD)No.29 of 2003, challenging the order dated 06.12.1999 passed in O.P.No. 7 of 1996. It was allowed by an order dated 07.11.2014. However, the purchaser has filed an appeal before the Hon'ble Supreme Court in S.L.P.(Civil) Diary No. 16965 of 2024 and obtained interim order of stay by an order dated 04.11.2024.

While being so, the petitioner has submitted a representation to make entry of the order passed by this Court in C.R.P.No.29 of 2009 dated 17.11.2023.



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5.The learned Counsel appearing for the third respondent submits that the Mad is now administered by the fit person. The petitioner wantonly, wrongly stated as Special Officer of the Mad. The petitioner has no locus to file this writ petition, since the petitioner neither Trustee nor any member of the Administrative Committee. Originally, the trust has been formed by five trustees and the petitioner is no way connected with the said Trustee. In order to substantiate his position, he wantonly filed this writ petition. That apart, the order already passed by this Court has been stayed by the Hon'ble Supreme Court.

6.If the respondents 1 and 2 are succeeded before the Hon'ble Supreme Court, the third respondent namely, the fit person of Mad is at liberty to make fresh application before the registering authority to make an entry.

7.Therefore, the representation submitted by the petitioner cannot be considered and the writ petition is itself devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

04.12.2024

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

RJR

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