



WEB COPY

A NO. 903 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2025

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THE HONOURABLE MR JUSTICE S. S. SUNDAR

A NO. 903 OF 2020

P.Karupannan

S/o.Periya Gounder No.235/108A Cutcheri Street,
Gobichettipalayam Erode District.

Applicant(s)

Vs

The Administrator General and Official Trustee
State of Tamilnadu High Court Campus, Chennai 600 104.

Respondent(s)

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Applicant(s)

Vs

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State of Tamilnadu High Court Campus, Chennai 600 104.

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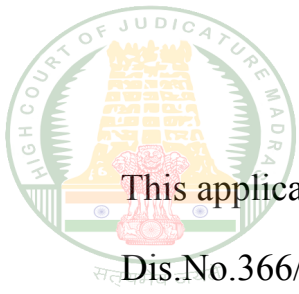
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For Applicant(s):

Mr.Thankasivan for
Mr.V.Anandhamurthy

For Respondent(s):

Mr.D.Lingeswaran



ORDER



This application is filed to set aside the order dated 14.02.2020 made in

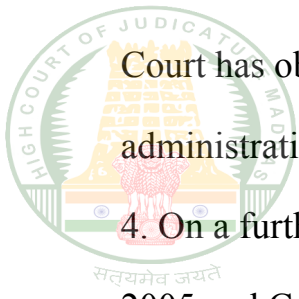
Dis.No.366/2020/AGHC on the file of AGOT, who is the respondent herein. The

impugned order was passed to recover the property described as a building measuring 2000 sq.ft. bearing Door Nos.73-77 in New No.235, Cutcheri Road, Gobichettipalayam, by evicting the applicant herein who was in enjoyment.

2. The facts that are necessary to decide this application are that one Palaniappa Chettiar and his wife Rangammal owned a vast extent of properties located in Gobichettipalayam, Nambiyur and Sathiyamangalam Taluks, which includes the property in question. They had jointly executed a Will dated 27.09.1968, as per which, the properties they owned shall be utilised for charitable purposes after their demise. It is also admitted that the property vests with the Official Trustee by virtue of the Will. It is also admitted that the property was alienated by the wife of the testator Palaniappa Chettiar during her lifetime and that she had sold the subject property to the applicant by a registered sale deed dated 03.08.1973. Thereafter, Rangammal died on 24.12.1980.

3. Be that as it may, the applicant received a notice dated 09.1.2019 from the office of AGOT, requiring him to provide an explanation for using the property as a tenant. In this scenario, the applicant came to understand that a suit in O.S.No.76 of 1981 was filed by the Hindu Community in General and Citizens of Gobichettipalayam under Section 92 of CPC to cancel the sale deeds executed by said Rangammal during her lifetime and for proper administration of the Trust. This suit came to be dismissed on 02.02.1989. Challenging the said dismissal, the plaintiff preferred A.S.No.851 and 606

of 1989 and the order of trial Court faced a reversal before this Court, wherein this



Court has observed that it is open to the Scheme Court to consider the entrustment administration and management of the Trust to the AG&OT.

4. On a further appeal before the Hon'ble Supreme Court in C.A.Nos.5924 and 5926 of 2005 and C.A.No.6469 of 2005, the Hon'ble Supreme Court held that Rangammal has the absolute right to deal with the properties mentioned in the Will and the alienations made by her during her lifetime are valid.

5. It is reiterated by the learned counsel appearing for the applicant that he is not arrayed as a party in the litigation upto before the Hon'ble Supreme Court nor the property purchased by him was challenged in the suit. However, the Apex Court has confined to grant relief of deleting the properties sold by Rangammal after the demise of her husband, only to the purchasers whose alienations were specifically challenged in the above suit.

6. Be that as it may, in pursuance of the order of the Hon'ble Supreme Court, the 16th defendant in the suit namely Arulmighu Dhandayuthapani Temple, Palani, filed an application in I.A.No.413 of 2017 in O.S.No.76/1981 to frame a Scheme for the Trust. Accordingly, the Scheme Court framed a scheme in I.A.No.413 of 2017 in O.S.No.76 of 1981, and by virtue of its order 28.04.2018, the property purchased by the applicant was shown as Trust property. The Scheme Court also appointed AGOT, the respondent herein as sole Trustee.

7. Thereafter, in the process of ascertaining the Trust properties, the applicant was issued with an enquiry notice. In response, the applicant submitted a representation alleging that he asserts ownership over the property by virtue of the sale executed by

Rangammal and therefore, he is not a tenant in respect of the subject property. In the



said process, several correspondences were exchanged between the applicant and respondent, and finally, the applicant was issued with the impugned notice dated

14.02.2020, requiring the applicant to execute a rental agreement w.e.f. 09.12.2019,

within a week, failing which, steps would be taken to evict him and to recover vacant possession and also to claim damages w.e.f. 09.12.2019. This notice is now under challenge in the present application.

8. Heard the learned counsel for the applicant and learned AG&OT.

9. In the light of the aforesaid judgment of the Hon'ble Supreme Court, this Court is unable to sustain the order of the learned AG&OT dated 14.02.2020, which is impugned in this application. However, this Court is of the view that there is a judicial order directing the properties of the Charities to be vested with AGOT and to be administered as Trust Estate. It is in this circumstances, while setting aside the notice of AG&OT, this Court direct the applicant to file appropriate application to exclude the property in the scheme decree in O.S.No.76 of 1981 on the file of Sub Court, Gobichettipalayam.

10. In the result, this application is allowed and the order of the AG&OT dated 14.02.2020, is set aside.

20-02-2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No