



W.P.No.22466 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22466 of 2022

and

W.M.P.Nos.21503, 21504 and 21506 of 2022

K.P.Dharani

... Petitioner

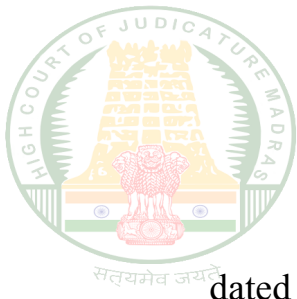
Vs.

1.The Administration General and
Official Trustee of Tamil Nadu,
City Civil Court Additional Building,
1st Floor, AG & OT Office,
High Court Complex,
Chennai-600 104.

2.Poongodi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned public auction notice dated nil issued by the first respondent, which was published in Dinamalar Daily Newspaper



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dated 17.07.2022, quash the same insofar as the property in Serial No.11 is concerned and consequently, cancel the order letting out the property measuring 8.75 cents in T.S.Nos.41, 42, 43 and 44, New Ward No.A, Block 14, Kutcheri Street, Gobichettipalayam, Erode District, for monthly rent in favour of the second respondent by considering the representation dated 27.05.2022.

For Petitioner : Mr.N.Manoharan
For Respondents : Mr.E.V.Chandru @
Chandrasekaran for R1
Mr.K.Goviganesan for R2

ORDER

This Writ Petition has been filed for a writ of Certiorarified Mandamus, to quash the impugned public auction notice dated Nil issued by the first respondent that was published in Dinamalar Daily Newspaper dated 17.07.2022, insofar as the property in Serial No.11 is concerned and consequently, cancel the order letting out the property in favour of the second respondent.



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2. It is the case of the petitioner that the subject property was gifted to one Muthammal on 15.04.1936. Later, the said Muthammal executed the settlement deed dated 18.12.1963 in favour of her two sons. The property was later sold to father and brother of the petitioner vide two sale deeds dated 19.08.1988 and 19.12.1988. A suit in O.S.No.76 of 1981 was filed against third parties in respect of a trust property. It is the case of the petitioner that the subject property was not included in the schedule of properties in the said suit. According to the petitioner, for more than four decades, she was in absolute possession and enjoyment of the property and she has a right and title and possession over the property. However, the first respondent had issued the impugned auction notice dated Nil which was published in Dinamalar Daily Newspaper on 17.07.2022. Consequent to the said notice, the second respondent was given the subject property on rent.

3. It is brought to the notice of this Court that the petitioner and her brother had filed original applications before this Court in



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O.A.No.3340 of 2022 and O.A.Nos.4804 and 4805 of 2022. The prayer in the said Original Applications is to delete the entry from the auction notification in respect of the subject property and quash the impugned public auction notice dated Nil issued by the first respondent herein which was published in Dinamalar Daily Newspaper dated 17.07.2022 insofar as the property in Serial No.11 is concerned and other consequential reliefs. The issue concerning the ownership of the property cannot be decided by invoking the writ jurisdiction based on affidavit. Since the petitioner and her brother had already filed original applications seeking similar reliefs, this Writ Petition is disposed of with liberty to the petitioner to raise all the contentions before the Court where original applications are pending.

4. It is made clear that this Court has not expressed any opinion on the merits of the case. This Court, vide order dated 23.09.2022, in paragraph No.3, has observed that “possession of the property shall not be handed over to the successful bidder and it shall be retained by the Official



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Trustee”. The said direction shall hold good for a period of 12 weeks from the date of receipt of a copy of this order and the petitioner can seek appropriate relief in the pending original applications. There shall be no order as to costs. Connected miscellaneous petitions are closed.

09.10.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

ssb

To
The Administration General and
Official Trustee of Tamil Nadu,
City Civil Court Additional Building,
1st Floor, AG & OT Office,
High Court Complex,
Chennai-600 104.



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M.DHANDAPANI, J.

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