



W.A.(MD)No.556 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A.(MD)No.556 of 2019
and
C.M.P.(MD)No.4680 of 2019**

1.S.Rajeswari

2.J.Radha

3.A.R.Suganya

4. S.P.Selvam

... Appellants

Vs.

1.The District Revenue Officer,
Collectorate Building,
Madurai.

2.The Joint Commissioner,
Hindu Religious and Charitable Department,
No.1 West Chithirai Street,
Madurai.

3.Nachiyarammal Trust,
Vandiyur, Madurai.

4.Vandiyur Sri Nachiyarammal
Vagaiyara Specific Endowment,

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Rep. by its Managing Trustee,
M.Tiruppathi,
Vandiyur, Madurai.

5.M.Tiruppathi

6.A.Chandran

7.K.Kulanthai Selvam

8.S.Logambal

9.M.Banumathi

10.G.Vellaiammal

11.A.Pappa @ Parvathy

12.D.Baby

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal and set aside the order dated 23.11.2016 passed in W.P.(MD).No.2554 of 2010 on the file of this Court.

For Appellant : Mr.J.Lawrance

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1.
Mr.M.Saravanan for R2.
Mr.S.Ramesh for R3 to R5.
Mr.L.Prabhu for R6 & R12.
Mr.R.Soundara Pandian for R10

JUDGMENT

(Judgment of the court was delivered by G.R.Swaminathan, J.)

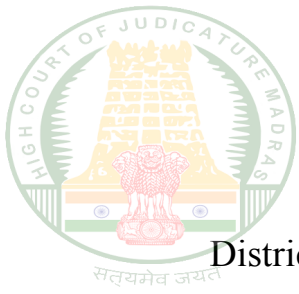
Heard both sides.



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2.The property that is the subject matter of this writ appeal admittedly belongs to Vandiyur Sri Nachiyarammal Trust. The trust was endowed vide settlement deed dated 23.04.1923. The purpose of the trust was to perform mandagapadi for Arulmighu Kallalagar on the occasion of Chitra Pournami. The purpose of trust is obviously religious. Therefore, it came under the purview of Tamil Nadu Hindu Religious and Charitable Endowments Department. The then Deputy Commissioner, Hindu Religious and Charitable Endowments Department, Tanjavur settled a scheme for the proper administration of the endowment in O.A.No.111 of 1953 on 30.09.1956. One Muthusamy Pillai known as senior Muthusamy Pillai was appointed as the trustee in the document itself. Subsequently, disputes kept cropping up as to who should be the hereditary trustee. While so, some of the descendants of the said senior Muthusamy Pillai executed power of attorney in favour one M.Murugasean as their power agent. The said power agent executed a number of sale deeds dated 18.10.2007 in favour of the appellants herein. Based on the said documents, the appellants obtained mutation of patta in their favour in respect of the subject properties. Subsequently, complaint was laid before the District Revenue Officer, Madurai. The



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District Revenue Officer, Madurai vide order dated 07.12.2009 set aside the mutation and restored the name of Sri Nachiyarammal Trust in the revenue record in respect of the subject properties. Challenging the said order, the appellants filed W.P.(MD)No.2554 of 2010 and one of the trustees also sailed along with the. He filed W.P.(MD)No.1978 of 2010. The said writ petitions were taken up along with another writ petition filed by one of the trustees. W.P.(MD)No.2554 of 2010 filed by the appellants herein was dismissed by the learned Single Judge vide order dated 23.11.2016 and the order passed by the District Revenue Officer, Madurai was confirmed. Aggrieved by the same, this writ appeal has been filed.

3.The prime argument advanced by the learned counsel for the appellants is that the District Revenue Officer, Madurai set aside the mutation of patta made in their favour even without hearing them. The argument of the learned counsel is that when there is a clear breach of the principles of natural justice, such an order will be treated as nullity. He pleaded that the matter may be once again remitted to the file of the District Revenue Officer, Madurai for conducting fresh enquiry.



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4.The learned Additional Government Pleader for the official respondent as well as the learned counsel for the trustees strongly supported the order impugned in this writ appeal. They called upon this Court to dismiss the writ appeal.

5.We carefully considered the rival contentions and went through the materials on record. The sale deeds executed in the name of the appellants contained a categorical recital that the subject properties belonged to Sri Nachiarammal Trust. The materials on record also indicate that it is a specific endowment.

6.The learned Additional Government Pleader adds that it is a listed endowment also. This is evident from the fact that as early as on 30.09.1956, a scheme of administration was framed by the competent authority of Hindu Religious and Charitable Endowments Department. Therefore, Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 will automatically kick in. Section 34 mandates that any immovable property belonging or endowed for the purposes of



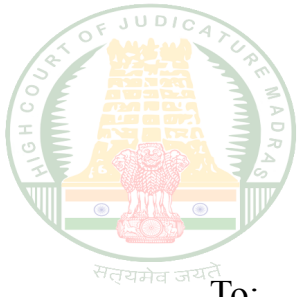
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any religious institution, can be sold only after getting permission as envisaged under the provision and any alienation made without getting such a permission under Section 34 of the Act, is null and void. In this case, the Tahsildar had effected mutation on the strength of the sale deeds executed in the name of the appellants. The jurisdictional Joint Commissioner, Hindu Religious and Charitable Endowments Department filed revision before the District Revenue Officer and brought this gross breach of the statutory provision to his notice. Upon realizing the same, the District Revenue officer cancelled the mutation and restored the original position. The learned Single Judge rightly declined to interfere with the said order. Interference with such an order is not warranted.

7.The writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S. J.) & (M.J.R. J.)
14.03.2025**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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The District Revenue Officer,
Collectorate Building,
Madurai.



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and
M.JOTHIRAMAN, J.

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