



W.P(MD)No.24811 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.24811 of 2022

WEB COPY

K.Seenivasan

... Petitioner

.Vs.

1.The District Collector,
District Collector,
Sivagangai,
Sivagangai District.

2.The District Revenue Officer,
Sivagangai,
Sivagangai District.

3.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

4.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

5.The Karaikudi Municipality,
represented by its Commissioner,
Karaikudi,
Sivagangai District.

6.Arulmighu Suvayambragaswarar Thirukoivil,
represented by its Trustee,
Illuppakudi Post,
Karaikudi Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the fourth respondent to provide



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patta to the Petitioner's property in S.No.1339/P, 429/P, extent about 6 cents situated at Illuppakudi Village, Karaikudi Taluk, Sivagangai District based on the Petitioner's representation, dated 25.05.2022, within the time stipulated by this Court.

For Petitioner : Mr.K.Rajasekar

For Respondents : Mrs.S.Jeya Priya
1 to 4 Govt. Advocate

For Respondent-5 : (*)Mr.E.P.Venkateshwar
Standing Counsel

For Respondent-6 : (*)Mr.Gunaseela Rupan
Counsel for Executive Officer

ORDER

The Writ Petition is filed seeking a direction to the fourth respondent to issue patta to his property in S.No.1339/P, 429/P, with an extent about 6 cents situated at Illuppakudi Village, Karaikudi Taluk, Sivagangai District by considering the Petitioner's representation, dated 25.05.2022.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.According to the Petitioner, his father Karuppaiah purchased the subject property on 27.05.1975 from the Trustee of the sixth respondent temple and has been in possession and enjoyment of the same. It is further stated that the Trustee of the sixth respondent temple again sold the subject property to one Soodamanipuram



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Housing Society and thereafter, the Society formed lay-out and the subject property was allotted as a common area in the lay out. After acquiring knowledge about the subsequent sale, the Petitioner got an affidavit from the Trustee of the Temple affirming the sale in favour of the Petitioner's father. In the affidavit, the Trustee of the temple also said 'No Objection' for the enjoyment of the subject property by the Petitioner. On the strength of the 1975 sale in favour of the Petitioner, a representation has been submitted on 25.05.2022 before the second respondent seeking issuance of patta. The same has not been considered so far. Hence the Petitioner has come before this Court for the relief stated supra.

4. Mr.Gunaseela Rupan, learned Counsel for the Executive Officer of the sixth respondent temple would submit that the above said temple is coming under the control of HR and CE Department and any sale made in favour of the Petitioner's father without getting sanction of the HR and CE Department is void under Section 34 of the Hindu Religious and Charitable Endowments Act. In support of the contention that the property was purchased by the Petitioner's father, the Petitioner produced only the receipt, dated 27.5.2025 issued by the Trustee of the said temple. The Petitioner also produced an affidavit sworn by the Trustee of the temple, dated 19.09.2002, stating that the subject property was sold to the Petitioner's father for consideration of Rs.200/- .The Petitioner has not produced



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any registered sale deed in favour of his father. The affidavit sworn by the Trustee of the temple and the receipt allegedly issued by the Trustee of the temple will not convey any title to the Petitioner's father. Even assuming that there is a registered sale deed, unless the sale is sanctioned by the Commissioner of Hindu Religious and Charitable Endowment Department, the sale transaction shall be treated as a void. In these circumstances, this Court is not inclined to entertain the present Writ Petition.

5. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

(*)Corrected as per order of this Court dated 18/07/2025 made in W.P(MD)NO. 24811 of 2022

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2025

Sub Assistant Registrar
(CS-I / II / III / IV)

vsn

To

1.The District Collector,
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Sivagangai,
Sivagangai District.



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Karaikudi Taluk,
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5.The Commissioner,
Karaikudi Municipality,
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6.The Trustee,
Arulmiyu Suvayambragasvarar Thirukoivil,
represented by its Trustee,
Illuppakudi Post,
Karaikudi Taluk,
Sivagangai District.

+1 CC to M/s.DR.C.GUHASEELARUPAN, Advocate (SR-38787[F] dated 01/07/2025)

+1 CC to M/s.EP.VENKATESHWAR, Advocate (SR-38814[F] dated 01/07/2025)

+1 CC to M/s.S.RAJASEKAR, Advocate (SR-39127[F] dated 02/07/2025)

+1 CC to M/s.SPL.GP (SR-39530[F] dated 03/07/2025)



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ORDER MADE IN

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01.07.2025

RA - (01.08.2025) 6P/ 11 C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.