BEFORE THE MADURAI BENGH OF MADRAS HIGH COURT

DATED: 09.12.2025

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.35169 of 2025
and W.M.P.(MD)No.27867 of 2025

P.Prabhakaran ... Petitioner

Vs

1. The Commissioner,
   TN Hindu Religious and Charitable
   Endowments Department,
   Chennai.

2. The District Collector,
   Kanyakumari District,
   Kanyakumari.

3. The Assistant Commissioner,
   TN HR&CE - Kanyakumari District,
   TN Hindu Religious and Charitable
   Endowments Department,
   Kanyakumari District.

4. The Revenue Divisional Officer,
   Nagercoil Division,
   Kanyakumari District.

5. The Tahsildar,
   Agastheeswaram Taluk,
   Kanyakumari District.

6. The Village Administrative Officer,
   Kaniyakulam Village,
   Kanyakumari District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records related to the order passed by the 3rd respondent in Oo.Mu. No. 4355/2022/A3 dated 15.12.2022 and quash the same as illegal, and consequently direct the 3rd respondent to issue No-Objection Certificate to the petitioner to deal with his property in S. Nos.142/6, 145/2 and 145/3 of Kaniyakulam Village, Agastheeswaram Taluk, Kanyakumari District, within the time stipulated by this Court.

For Petitioner : Mr.B.Micheal Sebastin

For Respondents : Mr.J.K.Jayaselan,
Govt. Advocate.

ORDER

This Writ Petition is filed challenging the order passed by the 3rd respondent dated 15.12.2022, wherein the request of the petitioner seeking issuance of No-Objection Certificate has been rejected and seeking for a consequential direction to the 3rd respondent to issue No-Objection Certificate to deal with the property in S.Nos.142/6, 145/2 and 145/3 of Kaniyakulam Village, Agastheeswaram Taluk, Kanyakumari District, within the time stipulated by this Court.

2. Mr.J.K.Jayaselan, learned Government Advocate takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he purchased the subject property from the Trustees of Kaniyakulam Nilapparai Kandan Sastha Temple, which is a private temple, under a registered sale deed on 12.02.2009 and the petitioner has also got patta in his name. Further, the petitioner was also provided with an order dated 21.09.1965 passed by the then Commissioner of HR&CE, in an Appeal No.8 of 1965, preferred by the then trustee of the temple and it was concluded in the said appeal that the temple in question is not a "Temple" as defined in Section 6(2) of the "Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959" (hereinafter referred to as "said Act") and the schedule properties are not "Religious Endowments" as defined in Section 6(17) of the said Act. Therefore, the petitioner's purchase is legal. After purchase, the petitioner is in possession of the said property. When the petitioner attempted to pay the property tax for the subject land in the year 2022, the authority informed that the subject property belongs to Temple and therefore, cannot pay tax in respect of the said property. Hence, the petitioner made a representation before the third respondent seeking issuance of NOC to deal with the subject lands. However, the third respondent, without giving an opportunity of hearing, had rejected the request of the petitioner through the impugned order. Challenging the said order, the petitioner has filed this Writ Petition.

4. The learned Government Advocate appearing for the respondents would submit that by taking into consideration of the order dated 21.09.1965, passed by the then Commissioner of HR&CE, in an Appeal No.8 of 1965, appropriate orders will be passed.

5. On a perusal of the records, it is seen that by an order dated 21.09.1965 the then Commissioner of HR&CE, in an Appeal No.8 of 1965 concluded that the temple in question is not a “Temple” as defined in Section 6(2) of the said Act and the schedule properties are not “Religious Endowments” as defined in Section 6(17) of the said Act. Therefore, the petitioner's purchase is not illegal. Further, the petitioner has been paying the taxes pertaining to the subject properties from the date of purchase. However, now the authorities refused to receive the tax from the petitioner, which is not proper. In view of the order dated 21.09.1965, passed by then Commissioner, HR & CE Department, in

Appeal No.8 of 1965, there is no requirement of getting NOC from the HR & CE Department.

6. In view of the above, this Court is of the view that the impugned order is liable to be set aside. Accordingly, the impugned order is set aside and the Writ Petition is allowed. The petitioner is permitted to continue to pay the property tax in his name. In the light of the order passed by then Commissioner, HR & CE Department, dated 21.09.1965, the 4th respondent viz., the Revenue Divisional Officer, Nagercoil Division, Kanyakumari District, is directed to mutate the revenue records in the name of the petitioner in respect of the subject property. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

09.12.2025

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

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KRISHNAN RAMASAMY, J.

vsm

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