



CRP(MD). No.1938 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 24.02.2026

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THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

CRP(MD).No.1938 of 2025 and  
CMP(MD).Nos.1287 and 11090 of 2025

Mariaselvam

... Petitioner

Vs

Makkal Membattu Arakkattali Trust  
Register No.168/1981,  
through the Managing Trustee K.Pitchandi

... Respondent

PRAYER :- Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed in Trust O.P.No.65 of 2024 dated 21.03.2025 on the file of the Principal District Judge, Combined Courts, Ramanathapuram.

For Petitioners : Mr.S. Sureshkumar Isaac Paul

For respondent : Mr.P. Ganapathi Subramanian  
for Mr.G.M. Xavier

ORDER

This Civil Revision Petition has been filed challenging the order



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passed in Trust O.P. No. 65 of 2022 dated 21.02.2025 on the file of the learned Principal District Judge, Combined Courts, Ramanathapuram.

2. The revision petitioner, claiming to be a third party and former Trustee of the trust, has challenged the impugned order passed in the said Trust O.P. It is the case of the revision petitioner that the property in question originally originated from a gift deed executed by one Ramalinga Sanyasi in favour of “People’s Agricultural Farm”. It is further contended that another document bearing Document No. 242 of 1982 stands registered in favour of the respondent trust in the name of “Makkal Membattu Arakkattalai”.

3. According to the revision petitioner, the property was subsequently treated as having been purchased by the trust from one Ramalingam Sanyasi under a registered sale deed dated 17.03.1982 vide Document No. 241 of 1982. It is further submitted that Document No. 241 of 1982 relates to the trust known as “Makkal Membattu Arakkattalai”, wherein the revision petitioner claims to have functioned



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as a former trustee.

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4. It is the contention of the revision petitioner that the property was originally gifted for charitable purposes, and not as a sale deed was erroneously recorded by the Court below. It is further submitted that in paragraph No.6 of the petition filed before the Trust O.P., the nature of the property and its origin were specifically pleaded. However, the learned District Judge, in paragraph No. 4 of the impugned order, has observed that the property is a settlement deed, which, according to the revision petitioner, is contrary to the pleadings and materials on record.

5. It is further contended that the Court below failed to properly examine the nature of the documents, the source of title, and the essential ingredients required for grant of relief under Section 94 of the Code of Civil Procedure, and has passed the order without proper application of mind.

6. Per contra, the learned counsel appearing for the respondent



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submitted that the property in question was not a mere gift for charitable purposes, but was purchased by the trust from one Ramalingam Sanyasi under a registered sale deed dated 17.03.1982. It is further submitted that the trust, namely “Makkal Membattu Arakkattalai”, is the absolute owner of the property.

7. It is further contended that the revision petitioner has deliberately suppressed the true nature of the transaction and projected a false case as though the property was only a gifted property, whereas in fact it is a purchased property belonging to the trust. It is submitted that the Court below has rightly appreciated the materials and granted relief under Section 94 CPC, and no interference is warranted.

8. This Court has considered the rival submissions and perused the materials available on record.

9. The main issue involved in the present revision relates to the nature and character of the property, namely whether it is a property



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gifted for charitable purposes or a property purchased by the trust under a registered sale deed. There appears to be a serious dispute between the parties regarding the source of title and the nature of acquisition.

10. It is well settled that while exercising jurisdiction under Section 94 of the Code of Civil Procedure, the Court must consider whether interim protection is necessary to preserve the subject matter of the proceedings. Such power must be exercised judiciously based on pleadings and documents, without entering into a final adjudication of title. In the present case, it appears that the learned District Judge has referred to the property as a “settlement deed”, which is not in consonance with the pleadings of either party. At the same time, the rival claims regarding whether the property was originally gifted or subsequently purchased, require proper appreciation of evidence.

11. This Court is of the view that the Court below has not properly considered the pleadings and documents in proper perspective, resulting in an order which suffers from non-application of mind. Therefore, the



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impugned order cannot be sustained. Accordingly, the order passed in Trust O.P. No. 65 of 2022 dated 21.02.2025 is set aside.

12. In the result, this Civil Revision Petition is allowed. The respondent is directed to pay a sum of Rs. 5,00,000/- (Rupees Five Lakhs only) as costs, to the Tamil Nadu State Legal Services Authority within a period of four weeks from the date of receipt of a copy of this order.

13. The Registry is directed to forward a copy of this order to the Tamil Nadu State Legal Services Authority for compliance.

14. Post after four weeks for reporting compliance.

24.02.2026

TRP

Index : yes / no

Internet: yes/ no

TO

The Principal District Judge, Combined Courts, Ramanathapuram.



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N.SENTHILKUMAR, J.,

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