

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 11297/2016

K.V. SEETHARAMAN PRESIDENT OF
KULITHALAL NAIDU MAHAJAN SANGAM

APPELLANT(S)

VERSUS

THE ASSTISTANT COMMISSIONER H.R.
AND C.E. ADMIN DEPT. & ORS.

RESPONDENT(S)

O R D E R

1. We have heard the learned Senior counsel appearing for the appellant and the learned Senior counsel appearing for the respondents.
2. The appellant herein instituted a suit in the year 1988, for declaration of the right to manage and administer the affairs of Sri Venugopalswamy Bajanaimadam and for consequential injunction, which was decreed by the Trial Court vide order dated 18.09.1995. The High Court, vide order dated 16.12.2009, in an appeal by the respondents reversed the findings of the Trial Court, by holding that the suit itself was not maintainable in the absence of a declaration having been obtained from the Deputy Commissioner under Section 63(a) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (hereinafter 'the said Act').

3. In the present case, the short issue involved is, as to whether the judgment and decree of the High Court in holding that the suit is not maintainable is proper or not.
4. While concurring with the High Court's conclusion, we are inclined to hold that there is no need for incidental findings on facts. In fact the appellant did invoke Section 63(a) of the said Act, which was dismissed on default. Suffice it is to state, that in view of the judgment of the High Court, there is no bar for the appellant to invoke Section 63(a) of the said Act once again, particularly, by taking note of the fact that the earlier application was dismissed on default.
5. In such view of the matter, we are inclined to grant six weeks time to the appellant from the date of receipt of a copy of this order to invoke Section 63(a) of the said Act.
6. Such application being filed before the concerned authority namely, Joint/Deputy Commissioner, shall be disposed of within a period of three months thereafter. Till such time, status quo as of today, shall be maintained by the parties.
7. We make it clear that the competent authority is directed to decide the application on its own merits and in accordance with the law, without being influenced by any of the findings on merit rendered by the High Court in the impugned judgment.
8. The appeal stands disposed of, in the aforesaid terms and with aforementioned directions.

9. Pending application(s), if any, shall also stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[PRASANNA B. VARALE]

NEW DELHI;
30th SEPTEMBER, 2026

ITEM NO.108

COURT NO.3

SECTION XII-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 11297/2016

K.V. SEETHARAMAN PRESIDENT OF
KULITHALAL NAIDU MAHAJAN SANGAM

Appellant(s)

VERSUS

THE ASSTISTANT COMMISSIONER H.R.
AND C.E. ADMIN DEPT. & ORS.

Respondent(s)

Date : 30-09-2026 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Appellant(s) Mr. V. Prabhakar, Sr. Adv.
Mr. R. Chandrachud, AOR
Ms. Jyoti Parashar, Adv.
Mr. Aryan Singh, Adv.

For Respondent(s) Mr. M. Sathayanarayanan, Sr. Adv.
Mr. B. Karunakaran- 3845, AOR
Mr. Shoaib Fazil, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal stands disposed of in terms of the signed
order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
ASSISTANT REGISTRAR

(Signed order is placed on the file)