



**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE, DINDIGUL**

**Present : Thiru.Swarnam J Rajagopalan,B.A.B.L.,(Hons)  
Additional District Judge, Dindigul.**

Thursday, the 2<sup>nd</sup> day of April 2026

**H.G.W.O.P.No. 8/2026**

**(CNR.No.TNDG01-006019-2025)**

1. Poopandi ... Petitioner/Guardian

/Vs/

1. Jeyaram ... 1<sup>st</sup> Respondent/Proposed Purchaser  
2. The District Collector,  
District Collector's Office, Dindigul. ... 2<sup>nd</sup> Respondent

This petition came up for final hearing on 12.03.2026 in the presence of Thiru. V. N. Sivakumar, Thiru. D. Manikandan, Thiru. M.Vaithiyalingam learned counsel appearing for the petitioner, Thiru. K. Prasath, Thiru. R. AishwarayaLakshmi learned counsel appearing for the 1<sup>st</sup> respondent, and 2<sup>nd</sup> respondent called absent set exparte and on hearing the arguments of petitioner side, on perusal of records and having stood over to this day for consideration this Court passed the following....

**ORDER**

This petition is filed under Section 8(2) (b) of the Hindu Minority and Guardianship Act, 1956. The petitioner acting as the Father and natural guardian of the minor Pandimeena, seek permission from the court to sell the 1/3rd share of the

property belonging to the said minors to the 1st respondent for a total sale consideration of Rs. 45,00,000/-

## **2. Case of the Petitioner:**

### **Brief averments of the petition are as follows:**

- I. According to the petitioner, the property described in the petition were purchased as vacant land by one Savari Mariyammal on 17.06.2021, who possessed and enjoyed them. In the state, Savari Mariyammal passed away on 06.07.2022 without leaving a will. The property was inherited by her heirs Poopandi, Pandiammal and minor Pandimeena.
- II. On 27.02.2024, Pandiammal released her share to the petitioner. Consequently the petitioner now holds a 2/3 share while the minor Pandimeena holds a 1/3 share. The petitioner claims to have used his own income to build a house and improve the property.
- III. Now the minor, pandimeena is currently a 12<sup>th</sup> grade student and she wishes to pursue higher education after completing school. The petitioner states he has no steady income and is unable to afford the basic needs, education, and medical expenses of his minor daughter.
- IV. As the natural guardian and father, he is solely responsible for her care but cannot find suitable work. To provide for the minor's essential needs and higher education, the petitioner intends to sell the minor's share of the family property.

V. The total property value is Rs.45,00,000/- in minors 1/3 share Rs.15,00,000/-.

The 1<sup>st</sup> respondent approached the petitioner on 11.11.2025, offering a fair price for the property. The petitioner believes this sale is in the best interest of the minor.

VI. Under section 8(2) (a) of The Hindu Minority and Guardianship Act, 1956, a guardian must obtain prior permission from the court to sell or mortgage a minor's immovable property. The petitioner is seeking this formal court approval to proceed with the sale.

VII. The petitioner is seeking court permission to sell a property belonging to a minor. The petitioner promises that the sale proceeds will be used exclusively for the minor's welfare, education and basic needs. They declare there is no collusion involved and that no other court has been approached for this matter. The petitioner is also willing to deposit the sale amount into a court mandated account.

**3. Brief averments of the counter is as follows:**

The 1<sup>st</sup> respondent, who is the proposed purchaser, has filed a counter stating that the sale consideration was fixed at Rs.45,00,000/- and an advance of Rs.75,000/- has already been paid. The respondent has expressed that he has no objection for grant of permission by this Court and is awaiting appropriate orders to proceed with the sale transaction.

**4. Point for consideration:****The point that arises for consideration is:**

1. Whether the petitioners have made out a prima facie case and established justifiable legal necessity for their appointment as guardian for the limited purpose of alienation, and for grant of permission to sell the minors' undivided shares in the petition property for her welfare?

**5. Evidence:**

On the side of the petitioner, the petitioner examined himself as P.W.1 and marked Exs. P1 to P16. One Sarvanan was examined as P.W.2 and Chinnan was examined as P.W.3. No documentary evidence was marked through P.W.2 and P.W.3. There is no oral or documentary evidence on the side of the respondents. Ex.P1 –Sale Deed in the name of Savari Mariyammal @ Savari Maariyammal 17.06.2021; Ex.P2 – Release Deed executed by Pandiyammal to the petitioner 27.02.2024; Ex.P3 - Death Certificate of Savari Mariyammal @ Savari Maariyammal 14.07.2022; Ex.P4 - Legal Heir Certificate of Savari Mariyammal @ Sarvari Maariyammal 02.09.2022; Ex.P5 - Petitioner's Aadhaar Identity Card; Ex.P6 - Minor Pandimeena's Aadhaar Identity Card; Ex.P7 - Pandimeena's Mark sheet; Ex.P8 - Sale Agreement entered into between the petitioner and the Respondent; Ex.P9 - Government Guideline Value for the petition property; Ex.P10 - Bonafide Certificate; Ex.P11 - Saravanan's Aadhaar Identity Card ; Ex.P12 - Chinnan's Aadhaar Identity Card; Ex.P13 - Electricity bill receipt in the name of Savari Mariyammal @ Savari Maariyammal dated 04.07.2025;

Ex.P14 - Electricity bill receipt in the name of poopandi 16.01.2026; Ex.P15 - Patta for the property in dispute 17.01.2026; Ex.P16 - Encumbrance certificate from 01.01.1987 to 16.01.2026.

### **7. Discussion and finding:**

The petitioner has submitted that as a natural guardian he is taking care of the minor daughter as her mother is no more and in order to provide for the minor's educational needs, essential needs and higher education, the petitioner intends to sell the minor's share of the family property. No contra materials produced before me to dispute the correctness or genuinity of the petitioner's claim and thus this court is inclined to consider the application of the petitioner by granting necessary permission to alienate the minor's property with the following condition:

(a) The court is inclined to appoint an Advocate Commissioner S.Haripriya, M.S. No.6106/2022, who shall visit the petition property in order to assess it's value through independent valuer and the Advocate Commissioner shall give publication in two local daily/ one in English and another in Tamil calling for proposals from purchasers and a public auction shall be conducted by the Advocate Commissioner in a prominent place after giving wide coverage in newspaper and also in the website and the best interest of the minor children shall be protected by selling the property to the highest price and the Advocate Commissioner shall deposit the amount fetched in the public auction in the Nationalized Bank in FD and the copy of the FD furnished to the court for the same being detained in the court custody along with the certified

copy of the sale deed. The petition is permitted to draw quarterly interest accumulated on the amount invested and the same is permitted to be withdrawn from the bank directly without seeking any permission from the court. The said amount withdrawn is permitted to be utilized towards welfare of the minor children. Till the minor children attain majority the amount invested shall continue in the FD in the name of the minor children.

(b) The remuneration for the Advocate Commissioner is fixed at Rs. 15,000/- and the incidental expenses, if any incurred, shall be meted out from the sale consideration received.

Accordingly, the point for consideration is answered in favour of the petitioners.

**In the result**, this petition is allowed by permitting the petitioner to alienate the mentioned property and in order to effect auction by way of public action, an Advocate Commissioner S.Haripriya, M.S. No. 2106/2022, is appointed who shall visit the petition property in order to assess it's value through independent valuer and the Advocate Commissioner shall give publication in two local daily/ one in English and another in Tamil calling for proposals from purchasers and a public auction shall be conducted by the Advocate Commissioner in a prominent place after giving wide coverage in newspaper and also in the website and the best interest of the minor children shall be protected by selling the property to the highest price and the Advocate Commissioner shall deposit the amount fetched in the public auction in the

Nationalized Bank in FD and the copy of the FD furnished to the court for the same being detained in the court custody along with the certified copy of the sale deed. The petition is permitted to draw quarterly interest accumulated on the amount invested and the same is permitted to be withdrawn from the bank directly without seeking any permission from the court. The said amount withdrawn is permitted to be utilized towards welfare of the minor children. Till the minor children attain majority the amount invested shall continue in the FD in the name of the minor children.

(b) The remuneration for the Advocate Commissioner is fixed at Rs.15,000/- and the incidental expenses. If any incurred, shall be metted out from the sale consideration receive.

(c) No cost.

Dictated to steno-typist and directly typed by her in the computer, corrected and pronounced by me in open Court this 2<sup>nd</sup> day of April 2026.

**Additional District Judge,  
Dindigul**

**Annexure:**

**List of witness examined on the side of the petitioner:**

P.W.1 Thiru. Poopandi (Petitioner)

P.W.2 Thiru. Saravanan

P.W.3 Thiru. Chinnan

**List of documents marked on the side of the petitioner:**

Ex.P.1	17.06.2021	Sale Deed in the name of Savari	Certified Copy
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		Mariyammal @ Savari Maariyammal	
Ex.P.2	27.02.2024	Release Deed executed by Pandiyammal to the petitioner	Certified Copy
Ex.P.3	14.07.2022	Death Certificate of Savari Mariyammal @ Savari Maariyammal	Computerized Copy
Ex.P.4	02.09.2022	Legal Heir Certificate of Savari Mariyammal @ Sarvari Maariyammal	Computerized Copy
Ex.P.5	---	Petitioner's Aadhaar Identity Card	Photocopy
Ex.P.6	---	Minor Pandimeena's Aadhaar Identity Card	Photocopy
Ex.P.7	---	Pandimeena's Mark sheet	Photocopy
Ex.P.8	11.11.2025	Sale Agreement entered into between the petitioner and the Respondent	Original Copy
Ex.P.9	---	Government Guideline Value for the petition property	Computerized Copy
Ex.P.10	06.01.2026	Bonafide Certificate	True Copy
Ex.P.11	---	Saravanan's Aadhaar Identity Card	Photocopy
Ex.P.12	---	Chinnan's Aadhaar Identity Card	---
Ex.P.13	04.07.2025	Electricity bill receipt in the name of Savari Mariyammal @ Savari Maariyammal	Computerized Copy
Ex.P.14	16.01.2026	Electricity bill receipt in the name of poopandi	Computerized Copy
Ex.P.15	17.01.2026	Patta for the property in dispute	Computerized Copy
Ex.P.16	17.01.2026	Encumbrance certificate from 01.01.1987 to 16.01.2026	Computerized Copy

**List of witnesses and Exhibits examined on the side of the Respondents :**

-Nil-

**Additional District Judge,  
Dindigul.**