

S.A.No.43 of 2015**S.NAGAMUTHU,J**

This Second Appeal has come up before me today for admission. I have heard the learned Counsel for the appellant.

2. The plaintiff in O.S.No.275 of 2009 on the file of the learned District Munsif, Nagapattinam is the appellant herein and the respondent herein is the defendant in the suit. The said suit was filed for recovery of possession of the suit property. The plaintiff claims title under a sale deed executed by the Power of Attorney of one Mr.Venkatarama Rao.

3. According to the plaintiff, Mr.Venkatarama Rao was the absolute owner of the suit property. But, according to the defendant, the property belongs to the temple. The trial court decreed the suit, but the same was reversed by the lower appellate court holding that there was no permission given by the Hindu Religious and Charitable Endowment Department to sell the property to the plaintiff.

4. The learned Counsel for the appellant would submit that when the suit property was the self-acquired property of one Mr.Venkatarama Rao, which had nothing to do with the temple, the lower appellate court was not

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right in concluding that permission from the Hindu Religious and Charitable Endowment Department is essential.

5. Having regard to the above submission, I am inclined to admit the Second Appeal on the following substantial questions of law:

1. Whether the lower appellate court was right in holding that for the sale of the property to the plaintiff, permission from the competent authority under the Tamil Nadu Hindu Religious and Charitable Endowment Act is necessary? and

2. Whether the lower appellate court was right in holding that the suit property belongs to the temple and not belongs absolute to one Mr.Venkatarama Rao?

Notice to the respondent returnable by 3 weeks. Private notice is also permitted.

27.03.2015

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25.02.2015