



2026 INSC 398

NON- REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL No. _____ OF 2026
(@ Special Leave Petition (Civil) No.26331 of 2024)

THIRUVALANCHUZH
VAITHILINGAM PILLAI CHARITIES ... APPELLANT(S)

VERSUS

THE REGISTRAR & ORS. ... RESPONDENT (S)

ORDER

SANJAY KAROL J.

Leave granted.

2. The central issue which arises for consideration is whether the High Court was justified in dismissing the writ petition filed by the appellant under Article 226 of the Constitution of India solely on the ground that its jurisdiction was barred in terms of Sections 76G and 77H of the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (hereinafter referred to as ‘the Act).

3. It is undisputed that the writ petition was dismissed solely on the ground of lack of jurisdiction. The appellant claims to be a Public Religious Trust, constituted under a registered deed dated 09.09.1891.

4. The objects of the trust, *inter alia*, include the performance of temple-related *poojas*, distribution of *prasadam*, maintenance of a *choultry* and other allied religious activities. The appellant submits that two Trusts were created under the very same document, and both, entrusted with the task of administration and management of the endowment, including the agricultural lands.

5. According to the appellant, the lands of the Trust were exempted from the purview of the Act by virtue of Section 2 (1)(i). However, proceedings initiated against the Trust, culminating in

orders dated 13.05.1984, 12.01.1988, and 16.03.1995 passed by the competent authorities constituted under the Act, led to part of the endowment lands, to be declared as surplus, thus, vesting with the Government.

6. It is a matter of record that the appellant fully availed the statutory remedies available under the Act. Also filed a special leave petition, which came to be dismissed. Thereafter, upon the repeal of Chapter V-A, which included Sections 76G and 77H, *vide* Act No. 26 of 2003, the appellant approached the High Court by way of a W.P.No.30902 of 2017 which was disposed of vide order dated 27.10.2022 in the following terms:

“The learned counsel appearing for the petitioner seeks permission of this Court to withdraw this petition with liberty to file a fresh writ petition challenging the order of the Land Reforms Special Appellate Tribunal dated 16.03.1995 in TRP No. 395 of 1991 (CRP No. 2650 of 1988), and has made an endorsement to that effect.

In view of the said endorsement, the writ petition is dismissed as withdrawn with liberty. No costs.”

Pursuant thereto, the appellant filed a fresh W.P. SR No.109688 of 2023, which came to be dismissed by the High Court, *vide* the impugned judgment dated 21.12.2023, solely on the ground of lack

of jurisdiction.

7. It is a matter of record that the appellant diligently pursued the remedies available under law; however, yielding no effective result. Significantly, after repeal of the relevant provisions - particularly Sections 76G and 77H in terms of Act No. 26 of 2003 - the statutory bar on the jurisdiction of the High Court ceased to operate. Despite the same, the High Court dismissed the writ petition on the sole ground of lack of jurisdiction.

8. In our considered view, the High Court committed a serious error in dismissing the writ petition, without even considering the effect of repeal of the relevant provisions; the effect of the repealing Act; and the submissions advanced by the appellant on merits.

9. Accordingly, the impugned judgment dated 21.12.2023 is quashed and set aside. The writ petition is restored to its original number. The parties are directed to appear before the High Court on 27.04.2026. The Court shall decide the matter afresh in accordance with law. All contentions are kept open for the parties to raise in such proceedings.

10. The Civil Appeal stands allowed and disposed of in the above terms. Pending application(s) if any, shall stand(s) disposed of.

.....**J.**
(SANJAY KAROL)

.....**J.**
(AUGUSTINE GEORGE MASIH)

New Delhi,
April 21, 2026