



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

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**THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE
AND
THE HONOURABLE MR.JUSTICE R.RAJESH VIVEKANANTHAN**

WA No. 1589 of 2026 and CMP No. 14667 of 2026

Arulmighu Vadapalani Andavar Kovil
Devasthanam
Rep by its Deputy
Commissioner/Executive Officer,
Vadapalani Andavar Koil St,
Vadapalani, Chennai 026.

Appellant(s)

Vs

1. Vishveshwara Developers LLP
Represented By Its Authorized
Representative, Avinash
Balasubramaniam
- 2.The State of Tamil Nadu
Represented By Its Secretary,
Commercial Taxes And Registration
Department, St. Fort George,
Chennai-600 009
- 3.The Inspector General of Registration
100, Santhome High Road, Mylapore,
Chennai, Tamil Nadu-600 028
- 4.The District Registrar
District Registrar Office, South
Chennai, Integrated Building For Office
Of The Commercial Taxes And
Registration Department, Nandanam,
Chennai-600 038



5.The Sub Registrar
Virugambakkam 47/5, Arcot Rd,
Udhayam Colony, Lambert Nagar,
Virugambakkam, Chennai-600 083

6.The Hindu Religious and Charitable
Endowments Department
Represented By Its Commissioner, 127
Yadava St, Gopal Nagar, Padi Chennai,
Tamil Nadu-600 050

Respondent(s)

PRAYER

To set aside the order made in WP No.38229 of 2025 dated 06.11.2025 on the file of this Honble Court.

For Appellant(s): Mr.R.Bharanidharan

For Respondent(s): Mr.P.S.Raman, Senior Counsel
for Mr.G.Vivekanand For
Caveator R1
Mr.Dominic Savio David,
SGP for R2 to R5
Mr D. Yashwanth Rajan,
GA (HR and CE) For R6

JUDGMENT

(Judgment of the Court was made by Abdul Quddhose J.)

The issue that arise for consideration in this writ appeal is as follows:-

Whether the appellant/temple can re-agitate the issue once again in a writ petition filed by the first respondent/writ petitioner seeking for a mandamus to direct the Registration Department to register the sale deeds presented by the first respondent/writ petitioner for registration, despite the vendor of the first respondent/writ petitioner having succeeded in the civil suit in O.S. No.11346 of



2010 before the City Civil Court, Chennai, filed for a declaration to declare that the writ petitioner's vendor is the absolute owner of the suit schedule property, which was also confirmed by the Honourable Supreme Court.

2. By the impugned order dated 06.11.2025 passed by the learned Single Judge of this Court in W.P. No.38229 of 2025, the learned Single Judge had directed the Registration Department to register the sale deeds presented by the first respondent/writ petitioner for registration. Aggrieved by the same, this writ appeal has been filed by the temple, who claims to be the owner of the property, which is the subject matter of the sale deeds presented by the first respondent/writ petitioner for registration.

3. Learned counsel appearing for the appellant (temple) would submit that in the earlier round of litigation between the writ petitioner's vendor and the appellant temple, certain crucial documents were not placed on record by the appellant temple which would prove that the first respondent's/writ petitioner's vendor has played fraud upon the court and has obtained a decree fraudulently. According to the appellant, since the decree obtained by the first respondent's/writ petitioner's vendor amounts to fraud, the temple (appellant) has got the right to challenge the decree in the writ petition filed by the first respondent/writ petitioner before the learned Single Judge of this Court.



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4. In support of his contentions, the learned counsel for the appellant drew the attention of this Court to the following authorities:

- (a) ***S.P.Chengalvaraya Naidu (dead) by LRs vs. Jagannath (dead) by LRs*** and others reported in **1994 (1) SCC 1**;
- (b) ***A.V.Papayya Sastry vs. Government of A.P. and others*** reported in **2007 (4) SCC 221**;
- (c) ***Union of India and others vs. Ramesh Gandhi*** reported in **2012 (1) SCC 476**;
- (d) ***Yashoda (alias Sodhan) vs. Sukhwinder Singh and others*** reported in **2022 (17) SCC 307**;
- (e) ***Vipin Kumar vs. Jaydeep and others*** reported in **2025 (6) SCC 465**.

5. Learned Senior Counsel appearing for the first respondent/writ petitioner does not dispute the settled law, that in case of fraud played by any party while obtaining a judgment and decree, an aggrieved party can question both the judgment and decree by filing a separate civil suit to declare the decree obtained by fraud as a nullity. However, he would oppose the contention of the learned counsel for the appellant that a fraud was played by the first respondent/writ petitioner's vendor while obtaining the judgment and decree in their favour which attained finality by the decision of the Hon'ble Supreme Court. He would submit that if at all the appellant has got any right, they ought to agitate their rights in a civil suit by letting in oral and documentary evidence to establish the fraud played by the first respondent's/writ petitioner's vendor.



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6. This Court is only dealing with a writ appeal as against an order passed in a writ petition and not dealing with a comprehensive civil suit. Admittedly, in the instant case, in the earlier round of litigation between the appellant and the first respondent's/writ petitioner's vendor pertaining to the very same property, it has been declared that the first respondent's/writ petitioner's vendor is the absolute owner of the property, which is the subject matter of the writ petition, and the said declaratory decree has also attained finality by the decision of the Hon'ble Supreme Court. The said fact is also not disputed by the learned counsel for the appellant during the course of his submissions. The only contention raised by the appellant is that certain crucial documents pertaining to the appellant's ownership of the property were not placed on record before the courts in the earlier round of litigation between the appellant and the first respondent's vendor, which attained finality. The said contention is disputed by the learned Senior Counsel appearing for the first respondent.

7. Learned counsel appearing for the appellant, during the course of his submissions, relied upon Section 22-A of the Registration Act, 1908, and would submit that the Registrar is having the power to refuse registration in case a fraud has been played by the executant of the document. In the instant case, according to him, the appellant has placed documents before the Registration Department for the purpose of establishing that a fraud has been played by the



vendor of the first respondent/writ petitioner.

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8.The contentions of the appellant as raised in this writ appeal require oral and documentary evidence and only a Civil Court can analyse the same and give a fair and judicious decision. The Registration Department exercising its power under Section 22-A of the Registration Act, 1908 is empowered to conduct only a summary inquiry. It can only issue notice to the parties and objectors to uphold a brief factual inquiry before deciding whether to accept or reject a document for registration. The Registrar cannot make a roving inquiry as they do not have the power to analyse the oral and documentary evidence, if any produced by the respective parties, that too when in the earlier round of litigation between the appellant Temple and the first respondent's vendor, it has been clearly established by the first respondent / writ petitioner, which has also attained finality through the decision of the Hon'ble Supreme Court, that the property, which is the subject matter of the writ appeal, was absolutely owned by the first respondent's / writ petitioner's vendor.

9.The decisions relied upon by the learned counsel for the appellant, as stated supra, and the proposition of law laid down in those decisions that a decree obtained by fraud can be challenged through another civil suit, are also not disputed by the learned Senior Counsel for the first respondent/writ petitioner. However, he has rightly submitted before this Court that registration



department does not have the authority to decide whether the appellant temple has committed fraud or not, that too, when, in the earlier round of litigation between the appellant and the vendor of the first respondent/writ petitioner, it has been clearly established that the first respondent's/writ petitioner's vendor is the absolute owner of the property. Therefore, necessarily, the contentions of the appellant require oral and documentary evidence, which cannot be analysed by the Registration Department, but can be analysed and adjudicated only by a competent Civil Court.

10. In the impugned order, the learned Single Judge had taken into consideration the earlier round of litigation between the appellant/temple and the first respondent's vendor pertaining to the very same property, and only thereafter, the learned Single Judge has rightly come to the conclusion that the writ petition will have to be allowed by directing the Registration Department to register the documents presented by them for registration. The interest of the appellant has also been protected by the learned Single Judge by granting the appellant/temple liberty, to file a civil suit and establish fraud against the first respondent's/writ petitioner's vendor.

11. For the foregoing reasons, the question of interfering with the registration of the documents by this Court through a writ petition or a writ appeal does not arise as the appellant will have to agitate their rights to establish



fraud by adducing oral and documentary evidence only before the Civil Court.

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12.It is also brought to the notice of this Court by the learned counsel appearing for the appellant that a civil suit has already been filed by the appellant before the City Civil Court, Chennai, seeking to declare the earlier decree obtained by the first respondent's vendor, which had attained finality, as nullity. That being the case, the question of interfering with the impugned order in this writ appeal does not arise. Therefore, this Court does not find any infirmity in the impugned order dated 06.11.2025 passed by the learned Single Judge in W.P. No.38229 of 2025.

13.Accordingly, this writ appeal is disposed of by granting liberty to the appellant to agitate their rights in the civil suit filed by them to declare the earlier judgment and decree passed in favour of the first respondent's vendor as null and void. It is made clear that the Civil Court shall decide the said suit uninfluenced by any of the observations made by this Court in this Judgment. In view of this Judgment, the fifth respondent shall register the documents presented by the first respondent for registration, if the same is otherwise in order. No costs.

(ABDUL QUDDHOSE J.) (R.RAJESH VIVEKANANTHAN J.)

19-08-2026

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

1.The State of Tamil Nadu
Represented By Its Secretary,
Commercial Taxes And Registration
Department, St. Fort George,
Chennai-600 009

2.The Inspector General of Registration
100, Santhome High Road, Mylapore,
Chennai, Tamil Nadu-600 028

3.The District Registrar
District Registrar Office, South
Chennai, Integrated Building For Office
Of The Commercial Taxes And
Registration Department, Nandanam,
Chennai-600 038

4.The Sub Registrar
Virugambakkam 47/5, Arcot Rd,
Udhayam Colony, Lambert Nagar,
Virugambakkam, Chennai-600 083

5.The Hindu Religious and Charitable
Endowments Department
Represented By Its Commissioner, 127
Yadava St, Gopal Nagar, Padi Chennai,
Tamil Nadu-600 050



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