

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S. SIVAGNANAM

W.P.No.29914 of 2014
and
M.P.No.1 of 2014

N.Shanmughasundaram ... Petitioner

vs.

- 1.The Inspector General of Registration,
Santhome High Road,
Pattinapakkam,
Chennai-600 028.
- 2.The District Registrar,
Tiruppur District.
- 3.The Joint Sub-Registrar-II,
Tiruppur.
- 4.The Executive Officer,
Arulmigu Visweswara Swamy &
Veeraragava Perumal Temples,
Easwaran Koil street,
Tirupur-641 604.
- 5.The Commissioner,
The Hindu Religious and Charitable
Endowment Department,
Uttamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue Writ of Certiorarified Mandamus calling for the entire records of the third respondent, which culminated in its Proceedings in Na.Ka.No.448/2014 dated 13.10.2014 and quash the same as arbitrary and illegal and further direct the respondents 1 to 3 to admit and register documents such as Sale Deeds, Mortgage Deed etc., with respect to the petitioner's Patta land comprised in Old S.F.No.109 situated at Tiruppur village (T.S.Nos.7/1, 7/2 & 7/3 of Block No.1, Ward-M, Tiruppur Town).

For Petitioner : Mr.V.P.Sengottuvel
For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader
for R1 to R3

Mrs.G.Sumitra for R4

Mr.S.Kandaswamy
Spl. Govt. Pleader (HR&CE)
for R5

ORDER

Heard Mr.V.P.Sengottuvel, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents 1 to 3; Mrs.G.Sumitra, learned counsel appearing for the 4th respondent and Mr.S.Kandaswamy, learned Special Government Pleader (HR & CE) appearing for the 5th respondent.

2. The petitioner seeks for issuance of Writ of Certiorarified Mandamus to quash the order passed by the 3rd respondent dated 13.10.2014 and to direct the respondents 1 to 3 to admit and register the documents, namely, Sale Deeds, Mortgage Deed etc., in respect of the land in old S.F.No.109 (T.S.Nos.7/1, 7/2 & 7/3 of Block No.I, Ward-M of Tiruppur town) situated at Tiruppur village, which according to the petitioner is their patta land. It appears that the 4th respondent temple has made certain objection through a letter to the 3rd respondent. Based on which, the 3rd respondent has refused to entertain the document.

3. It is submitted by the learned counsel appearing for the 4th respondent that a Civil Suit has already been filed and the same is to be shortly numbered.

4. In any event, the 3rd respondent being Registering Authority, cannot refuse to accept the document for registration. If there is valid ground to refuse for registration, then the 3rd respondent should pass an order on the same and merely because a letter has been given by the 4th respondent cannot be a ground, even refusing to accept the document.

5. Accordingly, there will be a direction to the petitioner to present the document for registration before the 3rd respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 3rd respondent is directed to consider the same, after issuing notice to the petitioner and the 4th respondent and pass reasoned order on merits and in accordance with law, within a period of four weeks from the date on which, the document is presented. It is open to the petitioner as well as the 4th respondent temple to produce the documents/proof, if any, in support of their claim before the 3rd respondent.

6. The writ petition is disposed of, as stated above.
No costs. Consequently, M.P.No.1 of 2014 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector General of Registration,
Santhome High Road,
Pattinapakkam,
Chennai-600 028.
- 2.The District Registrar,
Tiruppur District.
- 3.The Joint Sub-Registrar-II,
Tiruppur.
- 4.The Executive Officer,
Arulmigu Visweswara Swamy &
Veeraragava Perumal Temples,
Easwaran Koil street,
Tirupur-641 604.
- 5.The Commissioner,
The Hindu Religious and Charitable
Endowment Department,
Uttamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

- 1 cc to Government Pleader, Sr.No5965
1 cc to Government Pleader, Sr.No5829
1 cc to Mrs.G.Sumitra ,Advocate, SR.No.5763
1 cc to Mr.V.P.Sengottuvel ,Advocate, SR.No.5753

W.P.No.29914 of 2014

skv(co)
pmk.19.2.2015