

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.08.2016

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.32573 of 2015

G.Siva Shanmugham

... Petitioner

Vs.

- 1.The Joint II Sub Registrar,
Joint II Sub Registrar Office,
Tiruppur.
- 2.The District Registrar,
Tiruppur.
- 3.The Inspector General of Registration,
Santhome High Road,
Chennai-4.
- 4.The Executive Officer,
Arulmighu Visveswara Swamy and
Veeraraghava Perumal Thiru Koil,
Tiruppur.
- 5.The Hindu Religious and Charitable Endowments,
Rep. By its Commissioner,
Nungambakkam, Chennai -34.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to register and return the document being the sale deed dated 22.09.2015 to the petitioner.

For Petitioner : Mr.L.Chandrakumar,
for Mr.E.D.Sethupathy

For Respondents : Mr.R.Govindasamy,
Special Government Pleader [R1 to R3]
Mr.M.Maharaja,
Special Government Pleader [R4 & R5]

O R D E R

The petitioner would state that the property comprised in S.No.191/5 Part, T.S.No.198/8/3, bearing Door No.29, New No.63, Kamatchi Amman Koil Street, Tiruppur, originally belonged to his grandfather viz., Ramalingam Chettiyar, through a registered sale deed bearing document No.2827/1966, dated 14.12.1966 and after his demise, it devolved on his wife Alamelu Ammal, his son Gopalsamy Chettiyar and his daughter V.Subburatinam and subsequently, the said Subburatinam relinquished her right and Alamelu Ammal sold her share to Gopalsamy Chettiyar under a sale deed dated 26.03.1987 bearing document No.1121/87. After the demise of Gopalsamy Chettiyar, the property devolved on G.Subbulakshmi being widow and four children including the petitioner and the mother of the petitioner died on 25.12.2014. The petitioner would claim that on account of the ownership of the property, the revenue records also stands in their name and when the petitioner presented the sale deed for registration, it was refused to be registered by the first respondent for the reason that the property in question belongs to temple.

2. The learned counsel appearing for the petitioner would submit that the petitioner has traced the title to the above said property right from the year 1966 and therefore, the stand of the first respondent that the property in question belongs to temple is per se unsustainable and prays for appropriate orders.

3. This Court heard the submissions of Mr.R.Govindasamy, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and he has drawn the attention of this Court to the counter affidavit and would submit that in the light of the circular No.33/C1/2010 dated 15.09.2010 issued by the third respondent, the first respondent is under obligation to decide as to ownership of the property also and therefore, the stand of the first respondent is tenable.

4. Mr.M.Maharaja, learned Special Government Pleader appearing for the respondents 4 and 5 would submit that since the property belongs to the temple, the sale deed presented by the petitioner and others was rightly rejected.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, permits the petitioner to represent the sale deed for registration within a period of one week from the date of receipt of a copy of this order and the first respondent, on receipt of the same, shall

afford an opportunity of personal hearing to the petitioner and thereafter, pass orders in accordance with law within a further period of three weeks thereafter and communicate the decision taken, to the petitioner.

7. This Writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsm

To

- 1.The Joint II Sub Registrar,
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Tiruppur.
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Rep. By its Commissioner,
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+1cc to Mr.E.D.Sethupathi Advocate sr 47473
+1cc to Government Pleader in sr 47487

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aa06/09/2016