



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.01.2017**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**

AND

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.A.[MD].No.360 of 2015

against

WP(MD)No. 17923 of 2014

and

M.P.(MD)No.1 of 2015

1.The District Registrar,
District Registration Office,
Pudukkottai,
Pudukkottai District.

2.The Joint Sub-Registrar II,
Sub Registration Office,
Pudukkottai,
Pudukkottai District.

: Appellants/Respondents 1 & 2

Vs.

J.John Jesurajan

: Respondent/Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order of a learned Single Judge of this Court dated 07.11.2014, made in W.P.(MD).No.17923 of 2014.

Prayer in WP(MD)No. 17923 of 2014 :

Writ petition filed Under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to register and release the sale deed document P.No.57/2014, dated 29.5.2014 presented for registration on 29.05.2014 before the second respondent within time stipulated by this Honourable Court.

For Appellants

: Mr.S.Chandrasekar,
Government Advocate

For Respondent

: Mr.M.Subash Babu

JUDGMENT

[Judgment of the Court was delivered by **R.SUBBIAH, J.**]

This Writ Appeal has been filed as against the order passed by the Writ Court dated 07.11.2014, made in W.P.(MD)No.17923 of 2014, whereby and whereunder, the learned Single Judge has allowed the

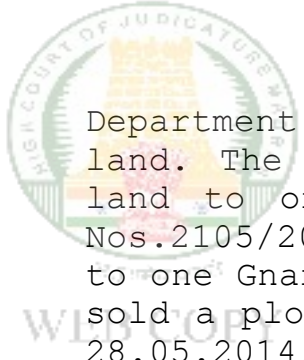


Writ Petition filed by the respondent to direct the second appellant herein to register and release the sale deed document P.No.57/2014, dated 29.05.2014, presented for registration on 29.05.2014 before the second appellant.

2. The case of the respondent before the learned Single Judge was that a sale deed was executed by A.Gnana Arulraj and A.Arockiyaraj in favour of the respondent on 29.05.2014 and it was presented for registration on the same day before the second appellant. The second appellant also collected necessary registration charges and other fees and issued receipt for the same, but, till date, the said document was not registered. However, the second appellant had kept the said document as pending one in P.No.57 of 2014 in respect of the property in Survey No.196/2/B, Pudukottai South Panchayat, Pudukottai, a part of Survey No.196/2. It is alleged that the second appellant has not taken any proceedings or action in the manner known to law. Though the sale deed in question was presented on 29.05.2014 for registration, even after lapse of five months period, the second appellant has not come forward to register or release the said document. Therefore, the petitioner has approached this Court by filing the present Writ Petition.

3. The learned Single Judge, by following the dictum laid down by this Court in various judgments, finally directed the second appellant herein to register the sale deed in question and release the pending document in P.No.57 of 2014, dated 29.05.2014, presented for registration on 29.05.2014 and thereby, allowed the Writ Petition. Aggrieved over the same, the present Writ Appeal has been filed at the instance of the Government.

4. The learned Government Advocate appearing for the appellants submits that the lands covered under the document in question are minor Inam lands and ryotwari patta was issued to one Ramachandran and his three brothers under Sections 8(ii) and 21(3) (b) of Inam Abolition Act 30/63 for the service rendered to the Temple controlled by the Hindu Religious and Charitable Endowments Department. The land in SF 196/2 having an extent of 2.34.0 Hectare classified as Minor Inam, was settled into ryotwari as per Inam Abolition Act 30/63, and was given in favour of Thiru.Ramachandran and three brothers, being the Poojari of the Temple known as "The Thadikanda Iyyanar Kovil", subject to the condition that they should perform pooja and other rituals in the said Temple. The learned Government Advocate further submits that as per Section 21(7)(A) of the said Act, if the service holder fails to render service, the prescribed officer shall, after such enquiry and after such notice to the service holder, as may be prescribed in this behalf, notify such failure in such manner as may be prescribed, and then, he shall declare that the service holder's right to occupy permanently the land under Clause (a) of Section 21(7)(A) of the said Act, in the case on hand, the Inamdars transferred the patta in respect of the land in SF 196/2 in the name of Ramachandran and 10 others, with the help of the Revenue



Department. The transfer was made only with a view to sell the land. The legal heirs of the Inamdars had sold a portion of the land to one Adaikala Mary and Jebamalai Mary, as per document Nos.2105/2011 and 2108/2011, who, in turn, gave power of attorney to one Gnana Arul Raj and Arokia Raj, who had plotted the land and sold a plot to the petitioner as per document No.P.57/2014, dated 28.05.2014, which is now kept pending registration, since the Hindu Religious and Charitable Department objected for registration. But, without considering all these aspects, the learned Single Judge has given a direction for registration, which is liable to be interfered with.

5. The learned counsel for the respondent, by inviting the attention of this Court to a copy of the letter issued by the Executive Officer, Pudukkottai Temples dated 01.03.2006, a copy of the endorsement made by the Executive Officer, Pudukkottai Temples dated 07.03.2012 and a copy of the endorsement made by the Joint Commissioner, HR&CE, Srirengam, on 04.07.2013, submitted that all these letters would show that No Objection Certificate was issued to sell the said land by the Hindu Religious and Charitable Endowments Department. Therefore, absolutely, there is no infirmity in the order passed by the learned Single Judge.

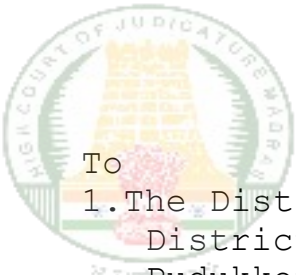
6. In reply, the learned Government Advocate submits that since there is a dispute over the property in question, the Hindu Religious and Charitable Endowments Department has filed appeals suits in A.S.Nos.411, 415, 419, 423, 427, 432 and 436 of 2014 before the Sub Court, Pudukkottai against the Inamdars, and the same are pending disposal.

7. After hearing the submissions made on either side, this Court is of the opinion that the learned Single Judge, by following the dictum laid down by this Court in various judgments, has given a positive direction. We do not find any infirmity in the well considered order passed by the learned Single Judge. In fact, the learned Single Judge has given a direction by assigning valid reasons. Therefore, the Writ Appeal is dismissed. The appellants are directed to release the document in question to the respondent, within a period of two weeks from the date of receipt of a copy of this judgment. However, it shall be subject to the result of the appeals pending before the Sub Court, Pudukkottai, in A.S.Nos.411, 415, 419, 423, 427, 432 and 436 of 2014. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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To

1.The District Registrar,
District Registration Office,
Pudukkottai,
Pudukkottai District.

2.The Joint Sub-Registrar II,
Sub Registration Office,
Pudukkottai,
Pudukkottai District.

+1 cc to Special Government Pleader Madurai Bench of Madras High
Court SR.No:3553

+1 cc to Mr.M.Subash Babu, Advocate SR.No:3745

SML

AE-MR-VB-13.2.2017-4P-5C

JUDGMENT MADE IN
W.A. (MD) No.360 of 2015