



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

AND

THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

W.A.(MD).No.104 of 2017
and
C.M.P.(MD).No.1035 of 2017

The Executive Officer,
Arulmigu Meenakshi Sundareswarar Temple,
Aundipatti Taluk,
Theni District.

: Appellant

Vs.

1.A.Jeyaraman

2.The Sub Registrar,
Sub Registrar Office,
Registration Department,
Aundipatti,
Theni District

: Respondents

PRAYER: Writ appeal is filed under Clause 15 of the Letters Patent Act, praying to set aside the order dated 22.12.2016 passed in W.P.(MD).No.18312 of 2013 on the file of this Court and thereby allow this writ appeal.

Prayer in WP(MD). 18132/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Order passed by the 1st respondent in his Proceedings No. Nil dated 28.10.2013 and quash the same as illegal and consequentially to direct the 1st respondent to register the sale deed dated 28.10.2013 presented by the petitioner in respect of the property comprised in Survey No.745, Plot No.23, Aundipatti Village, Periyakulam Taluk, Theni District, within the period that may be stipulated by this Honourable Court.

For Appellant	: Mr.S.Manohar
For Respondent No.1	: Mr.C.Venkateshkumar
	For M/S.Ajmal Associates
For Respondent No.2	: Mr.M.Murugan
	Government Advocate

**ORDER**

[Order of the Court was made by **M.M. SUNDRESH, J.**]

This appeal has been preferred by the appellant, who was the second respondent in the writ petition, being aggrieved against the order passed by the learned Single Judge, in which a direction was issued to register and return the document without insisting on the No Objection Certificate.

2.Though, the learned Counsel appearing for the appellants raised many substantial questions of law, we are not inclined to go into them, for a simple reason that the registration has taken place but documents have not been released. Consequently, on a similar issue, this Court in W.A.No.372 of 2017, dated 27.04.2017, was pleased to issue the following order.

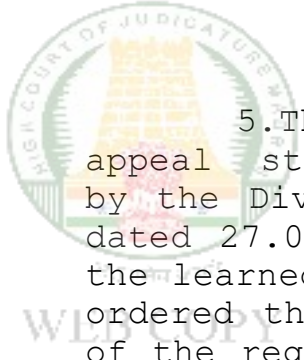
"Heard Mr.S.Chandrasekar, learned Government Advocate for the appellants, Mr.C.Venkatesh Kumar, learned counsel for the respondents.

This appeal is directed against the order in W.P.(MD)No.6355 of 2014, dated 06.02.2017. The said writ petition was filed by the first respondent to quash the order passed by the first appellant to register and release the sale deed dated 14.06.2010. By allowing the writ petition, the Writ Court set aside the order passed by the first appellant and directed to register and release the document, if there is no legal impediment. Accordingly, though the appeal was preferred by the appellants, the document was registered as No.201 of 2017 dated 08.03.2017 and the same has been released. Therefore, nothing survives to adjudicate in this Writ Appeal, except to observe that mere registration and release the document will not take away the rights of the respondent temple or the HR & CE Department, which they can independently adjudicate before the appropriate forum and it is always open to them to approach the Civil Court for necessary relief to that effect.

With the above observations, the Writ Appeal is dismissed. No costs. Consequently, the connected C.M.P. is also closed."

3.The learned counsels would submit that an appeal is pending before the Revenue Divisional Officer, seeking cancellation of patta filed by the appellant. It is aggrieved by both the Counsels that the registered documents would be subject to the appeal.

4.The learned Counsel appearing for the first respondent
<https://hccvscs.courts.madras.gov.in/> submit that no third party interest would be created by way any alienation through sale.



5.The said statements are recorded. Accordingly, the writ appeal stands disposed of, on the very same terms, as ordered by the Division Bench of this Court in W.A.(MD)No. 372 of 2017, dated 27.04.2017. Apart from recording the undertaking given by the learned counsel appearing for the first respondent, it is also ordered that this order and the consequential released documents of the registration are also subject to the order to be passed in the appeal. The Registering Authority, while delivering the document to the first respondent, shall make endorsement to that effect. The Registering Authority is also directed not to register any other documents over the property, which is a subject matter of the present Writ Appeal.

6.The Registry shall return the document in compliance of the order passed above to the first respondent within a period of four weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Sub Registrar,
Sub Registrar Office,
Registration Department,
Aundipatti, Theni District.

COPY TO:

The Section Officer,
E.R.Section, Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.S.Manohar, Advocate SR.No. 63738
+1cc to M/S.Ajmal Associates, Advocate SR.No. 63517
+1cc to Special Government Pleader, SR.No. 63720

W.A. (MD) .No.104 of 2017

JM/SKN RSK/SAR 1/12.07.2017/3P/6C