

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.7366 of 2014
and
M.P.No.2 of 2014

C.N.Shanmugam

... Petitioner

Vs.

1.The District Registrar,
Office of the Sub-Registrar,
Nallur,
Tiruppur Taluk & District.

2.The Executive Officer,
Arulmigu Vishveshwaraswamy,
Visalakshi Amman Subramanya Swami Temples,
Nallur Village,
Gandhi Nagar Post,
Tiruppur District- 641 603.

... Respondents

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records culminating in letter dated 11.10.2013 on the file of the 2nd respondent herein together with annexure thereon address to the 1st respondent and quash the same in so far as the petitioner land in Survey No.54/2, situated in Nallur village, Tiruppur Taluk and District.

For Petitioner : Mr.M.Santhanaraman

For R1 : Mr.M.Elumalai
Government Advocate

For R2 : Mr.K.Ashok Kumar

O R D E R

The relief sought for in this writ petition is to call for the records in relation to the letter sent by the second

respondent dated 11.10.2013 to the first respondent and quash the same.

2. The impugned order dated 11.10.2013 is enclosed in Page No.23 of typed set of papers filed along with the writ petition. The executive officer of the second respondent-temple addressed a letter to Sub-Registrar, Nallur, stating that the properties in Survey No.54/2 stated in the enclosure to the letter belong to the temple and no registration of sale deed or any other instrument shall be undertaken in respect of the said lands in the particular Survey Numbers.

3. The writ petitioner states that he is the absolute owner of all that piece and parcel of land measuring to an extent of 2080 Sq.ft. comprised in S.No.54/2, Nallur village, sit No.122, MGR Nagar, Tiruppur Taluk and District, and he purchased the same through registered sale deed dated 16.11.1994 in Document No.598/1994. However, now there is a dispute between the Competent authorities of the second respondent-temple and the writ petitioner in respect of the title and owner ship of the immovable properties in question. The temple authorities have written a letter to the Sub-Registrar citing the details of the temple properties and requested them not to entertain any sale deed or other instruments in respect of the properties detailed in the letter. The writ petitioner claims that he is the owner of the property in respect of the survey number stated by the second respondent in his letter dated 11.10.2013. In these circumstances, it is for the writ petitioner to establish his title or otherwise before the Competent Civil Court of law. This Court cannot adjudicate title, ownership or possession in respect of the property and the title of the immovable property is to be established only by producing necessary original documents or by adducing evidence before the Competent Civil Court of law. The mere statement made by the writ petitioner in his affidavit that he is the absolute owner of the land can never be accepted. As the declaration of title is to be made only after complete adjudication by Competent Civil Court by full fledged trial. This being the legal principles to be followed, this Court cannot decide the title or ownership or possession in respect of the property in question more specifically when the second respondent-temple claims that the land belongs to the temple. In these circumstances, it is left open to the writ petitioner to approach the Competent Civil Court of law for the purpose of redressing his grievance and the issue involved in this writ petition. In relation to the disputed facts and the same cannot be decided in a writ petition under Article 226 of Constitution of India.

Thus, the writ petition is devoid of merits and stands dismissed. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The District Registrar,
Office of the Sub-Registrar,
Nallur, Tiruppur Taluk & District.

2.The Executive Officer,
Arulmigu Vishveshwaraswamy,
Visalakshi Amman Subramanya Swami Temples,
Nallur Village, Gandhi Nagar Post,
Tiruppur District- 641 603.

+1cc to Mr.K.Ashok Kumar, Advocate, S.R.No.41340

+1cc to the Government Pleader, S.R.No.40893

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GSP(13/07/2018)

सत्यमेव जयते
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