



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WEB COPY

W.P.(MD) No.7601 of 2018andW.M.P.(MD) No.7234 of 2018

Ganesh Pandian

... Petitioner

vs.

1.The Executive Officer,
Arulmigu Kalyana Sundareswarar Temple,
Melur,
Madurai District.

2.The Sub-Registrar,
Sub-Register Office,
Melur, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus calling for the records in pertaining to the impugned order of the first respondent in proceedings number Nil dated 20.12.2017 and quash the same as illegal and consequently directing the second respondent to remove the objection made by the first respondent in respect of the petitioner patta.

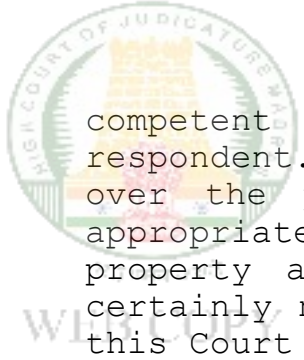
For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.S.Manohar
for R.1
: Mr.M.Murugan
Government Advocate
for R.2

O R D E R

What is put to challenge in the writ petition is the order passed by the first respondent addressed to the second respondent stating that not to register any document pertaining to the property belonging to the first respondent temple. The petitioner is being aggrieved by such objection raised by the first respondent, is before this Court seeking to quash the objection of the first respondent, dated 20.12.2017 and with the consequential prayer for removing the objection by the second respondent / the Sub-Registrar.

2. The issue involved is one of the title claimed as between the petitioner as well as the first respondent. In such view of the matter, this Court cannot embark upon the settlement of the



competent title between the petitioner as well as the first respondent. In case, the petitioner wants to establish the claim over the property in question, it is for him to approach the appropriate and competent civil Court for enforcing his claim to the property as against the claim of the first respondent. It is certainly not open to the petitioner to invoke the jurisdiction of this Court under Article 226 of the Constitution of India.

3. Therefore, this Court is of the view that such Writ Petition is not maintainable and therefore, the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed. It is always open to the petitioner to seek appropriate remedy in the manner known to law if he is so advised.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1.The Executive Officer,
Arulmigu Kalyana Sundareswarar Temple,
Melur,
Madurai District.

2.The Sub-Registrar,
Sub-Register Office,
Melur, Madurai District.

+1cc to M/S.T.Vadivelan, Advocate SR.No.78404

+1cc to M/S.S.Manohar, Advocate SR.No. 78626

W.P. (MD) No.7601 of 2018

13.08.2018

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JM/SKN RSK/SAR 3/07.09.2018/2P/5C