

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1318 of 2016

S.Muthurathinam

.. Petitioner

Vs.

1. The Hindu Religious & Charitable Endowments,  
Rep.by its Commissioner,  
Nungambakkam,  
Chennai - 600 034.
2. The Inspector General of Registration,  
Santhome High Road,  
Chennai - 600 004.
3. The District Registrar,  
Tiruppur, Taluk & District.
4. The Joint II Sub-Registrar,  
O/o. Joint II Sub - Registrar,  
Tiruppur, Taluk & District.
5. Arulmigu Visveswara Swamy  
Veeraraghava Perumal Thiru Koil,  
Rep. by its Trustee, Perumal Koil Veedhi,  
Tiruppur, Taluk & District.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 5, particularly to the fourth respondent to register the Deposit of Title Deed executed and presented by the petitioner to and in favour of the purchaser for the house property, situated at Site No.45, in Ward No.31 (Old ward No.16). Chinnasamy Layout third street, Tiruppur Town, Tiruppur Taluk and District, comprised in S.No.130, to an extent of 2400sq.ft.(222.97 Sq.mtrs), together with building constructed therein, bearing door No.16/1 and 16/16, having old assessment Nos.55278 and 54320, present assessment Nos.49055278 and 49054320, water tap connection assessment Nos.49119210 and

491300857, E.B.Service connection No.206-007-555, along with other apparatus thereto, present T.S.No.48, Block No.3, Ward No.L.Tirupporur Village.

For Petitioner : Mr.R.Thanjan

For Respondent - 1 : Mr.M.Maharaja  
Special Government Pleader  
(HR & CE)

For Respondents  
No.2 to 4 : Mr.T.M.Pappiah  
Special Government Pleader

For Respondent - 5 : Ms.G.Sumitra

#### O R D E R

The Writ Petition has been filed for a mandamus seeking a direction to the respondents 1 to 5, particularly to the fourth respondent to register the Deposit of Title Deed executed and presented by the petitioner to and in favour of the purchaser for the house property, situated at Site No.45, in Ward No.31 (Old ward No.16). Chinnasamy Layout third street, Tiruppur Town, Tiruppur Taluk and District, comprised in S.No.130, to an extent of 2400sq.ft.(222.97 Sq.mtrs), together with building constructed bearing door No.16/1 and 16/16, having old assessment Nos.55278 and 54320, present assessment Nos.49055278 and 49054320, water tap connection assessment Nos.49119210 and 491300857, E.B.Service connection No.206-007-555, along with other apparatus thereto, present T.S.No.48, Block No.3, Ward No.L.Tirupporur Village.

2. The case of the petitioner is that he owns the property situated at Site No.45, in Ward No.31 (Old ward No.16), Chinnasamy Layout 3rd Street, Tiruppur Town, Tiruppur Taluk and District, comprised in S.No.130, measuring an extent of 2400 Sq.ft.(222.97 Sq.mtrs) together with building constructed therein, by way of a registered Settlement Deed dated 04.03.2011 vide Doc.No.1110 of 2011 on the file of the fourth respondent. From the date of the said settlement, the petitioner has been in possession and enjoyment of the said house by paying all Government taxes and other charges. Further, the petitioner proposed to mortgage the said property in M/s.Karnataka Bank Ltd, having its main branch at Eswaran Koil Street, Tiruppur by way of deposit of title deeds for obtaining the credit facilities to and in favour of M/s.BJ Knits/borrower. Accordingly, the petitioner executed a Memorandum of Deposit of

Title on 26.06.2015 and presented the same before the fourth respondent for registration. But, the fourth respondent kept the said document as pending Doc.No.70/2015. While so, all of a sudden, the petitioner received a letter dated 01.10.2015 from the fourth respondent stating that the subject property belongs to the fifth respondent-Temple, administered by the first respondent and based on the objection letter sent by the fifth respondent-Temple, the fourth respondent refused to register the said Deposit of Title Deed. According to the petitioner, he has proved her title tracing the same from the year 1963 to till date and the patta, chitta, adangal and other revenue records stand in the name of the predecessors, including the petitioner's title, whereas, the respondents 1 and 5 have not produced any valid document to show that they are the owners of the said Temple. In this regard, the petitioner sent a detailed representation to the respondents and even after receipt of the same, the respondents neither replied nor responded for the same. Hence, the petitioner has filed this Writ Petition seeking for the relief stated supra.

3. Heard Mr.M.Maharaja, learned Special Government Pleader (H.R & C.E) on behalf of the first respondent, Mr.T.M.Pappiah, learned Special Government Pleader on behalf of the respondents 2 to 4 and Ms.G.Sumitra, learned counsel on behalf of the fifth respondent.

4. Earlier, the Division Bench of this Court, in similar circumstances, had given directions in the case of Sudha Ravi Kumar and others Vs. The Special Commissioner and Commissioner (HR & CE), reported in 2017 (3) CTC 135 (Mad). Following the same, this Court directs the fourth respondent to conduct an enquiry based on the objections received from the respondents 1 and 5 in terms of the above direction of the Division Bench of this Court referred supra and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition stands disposed of. No costs.

srn/av

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,  
The Hindu Religious & Charitable Endowments,  
Nungambakkam,  
Chennai - 600 034.
2. The Inspector General of Registration,  
Santhome High Road,  
Chennai - 600 004.
3. The District Registrar,  
Tiruppur, Taluk & District.
4. The Joint II Sub-Registrar,  
O/o. Joint II Sub - Registrar,  
Tiruppur, Taluk & District.

+1cc to M/s.G.Sumitra Advocate, S.R.No.13126

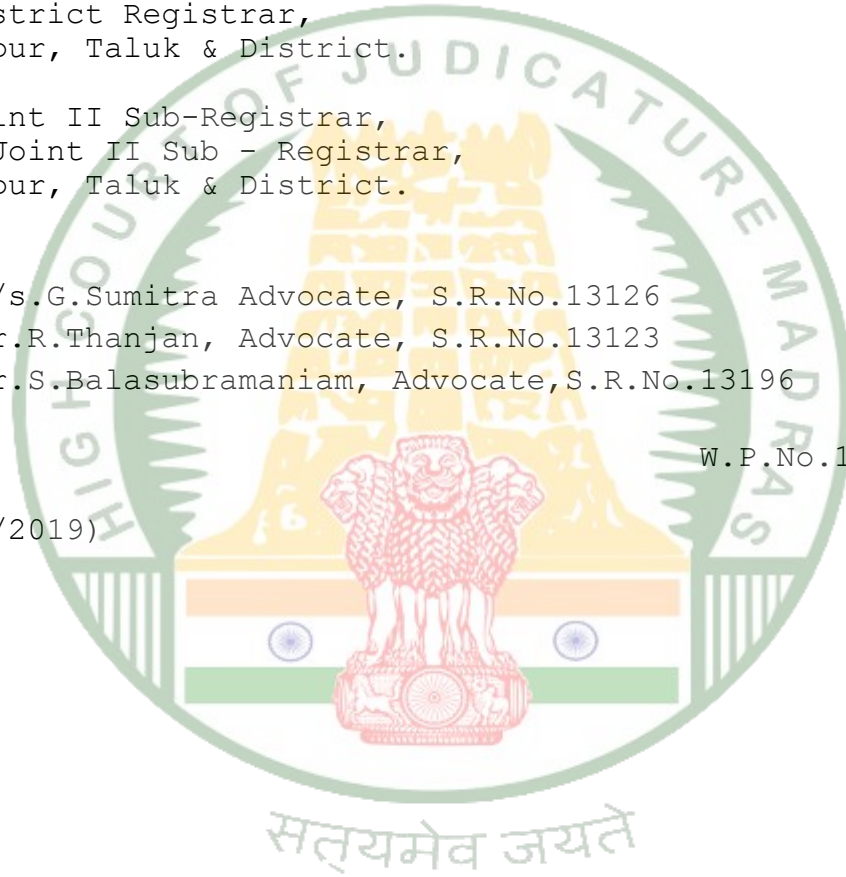
+1cc to Mr.R.Thanjan, Advocate, S.R.No.13123

+1cc to Mr.S.Balasubramaniam, Advocate,S.R.No.13196

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AD(CO)

Kak(20/03/2019)



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