

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.18029 of 2019

1.K.B.Rajendran

... Petitioner in person

Vs

1.The Sub-Registrar of Assurance,
Office of Sub-Registrar of Assurance,
Sowcarpet, Chennai - 600 001.

2.The District Collector,
Collectorate of Chennai,
Singaravelan Maligai,
Rajaji Salai, Chennai - 600 001.

3.The Commissioner,
The Greater Corporation of Chennai,
Ripon Buildings, Chennai - 600 034.

4.The Commissioner,
The Hindu Religious and Charitable Endowment Department,
N.H.Road, Chennai - 600 034.

5.The Police Commissioner,
Office of Commissioner of Police,
Vepery, Chennai - 600 007.

6.Tvl.M.D.J.Raj Kumar,

7.Arulmighu Dharmaraja Temple
at Guzilli Bazaar, Chennai - 3,
Rep. by the Joint Commissioner,
Hindu Religious and Charitable Endt. Department,
N.H.Road, Chennai - 600 034.

... Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, praying to call for the entire records in the registered settlement deed in Document No.56 of 1984, dated 15.02.1984 on the file of the Sub-Reistrar of assurance, Sowcarpet, Chennai - 1, executed by the Manager and Archara of

Arulmighu Dharmaraja Temple, Guzilli Bazaar Road, Chennai - 3 (now demished) and executed in favour of the 6th respondent by violating the rules laid down under Section 22-A sub-section (1) (ii) of Registration Act, 1908, on the Hindu Religious and Charitable Endowment property in old door No.13, New door No.22, Guzilli Bazaar Road, Chennai - 3, in R.S.No.10362, V.O.C.Nagar, Fort-Tondiarpet Taluk, now purasaiwakkam Taluk, Chennai - 3, in corporation of Chennai zone No.5, Division No.59 and quash the same and consequently direct the first respondent to reconvey the property in favour of Arulmighu Dharmaraja Temple, Guzilli Bazaar Road, Chennai - 600 003 and cancel the settlement deed in Document No.56 of 1984 dated 15.02.1984 on the petitioner representation dated 29.03.2019.

Petitioner in person:Mr.K.B.Rajendran

For Respondents :Mr.T.M.Pappiah
Special Government Pleader for R1
Mr.K.Ravikumar
Additional Government Pleader
for R2&R5
Ms.Karthika Ashok
Standing Counsel for R3
Mr.M.Maharaja
Special Government Pleader
for R4&R7
Mr.V.Deenadayalan for R6

ORDER

By consent, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.K.B.Rajendran, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, Special Government Pleader for R1, Mr.K.Ravikumar, Additional Government Pleader for R2&R5, Ms.Karthika Ashok, Standing Counsel for R3, Mr.M.Maharaja, Special Government Pleader for R4&R7 and Mr.V.Deenadayalan for R6, who takes notice on behalf of the respondents.

3. This writ petition is filed by the petitioner as a party-in-person.

4. It is the case of the petitioner is that he is the tenant under the temple, in respect of the property bearing Old door No.13, New door No.22, Guzilli Bazaar Road, Chennai - 3. Alleging that the temple property was conveyed in favour of the 6th respondent fraudulently and thereafter, settlement deed was executed on 15.02.1984, the present writ petition is filed

to issue a Certiorarified Mandamus for cancelling the settlement deed and pass orders on his representation.

5. The Sub Registrar, Sowcarpet, who is the first respondent in the writ petition has stated out the history of the property and has submitted that the property as such stands in the name of the 6th respondent and if there is any dispute, regarding the title, the petitioner has to approach competent civil court.

6. The learned counsel appearing for the 6th respondent would submit that the property belongs to the 6th respondent and Rent Control Proceedings is pending against the petitioner. The present writ petition is filed to drag on the matter and there is no basis to sustain the present writ petition.

7. Perusal of the pleadings indicates that the petitioner herein, who has occupied the said property as the tenant and paying rent to one Mr.Devarajan, now claims that the Devarajan was only Manager of the temple and he is not the owner of the temple. Petitioner further alleges, Devarajan has manipulated the documents, as if he is the owner of the property.

8. Mr.M.Maharaja, learned Special Government Pleader appearing for R4&R7 would submit that there is no document to show about the ownership of the temple and if it is so, separate action will be taken by the temple.

9. In the above circumstance, the prayer of the petitioner to consider his representation given to the Sub Registrar, is beyond the competency of the Sub Registrar. If there is any title dispute, it has to be worked out before the competent civil court. In fact, in this case already Rent Control Proceedings have been initiated by the 6th respondent against the petitioner and it is pending, while so, the prayer in this writ petition cannot be granted.

10. In such circumstances, this Writ petition is dismissed as divide of merits. No costs.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1.The Sub-Registrar of Assurance,
Office of Sub-Registrar of Assurance,
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6. The Joint Commissioner,
Hindu Religious and Charitable Endt. Department,
N.H.Road, Chennai - 600 034.

+1 CC to Govt. Pleader sr 87725
+1 CC to Mrs. Karthika Ashok, Advocate sr 87474
+1 CC to Spl. Govt. Pleader sr 87442
+1 CC to Mr.V.Deenadayalan, Advocate sr 86909
+1 CC to Mr.K.B.Rajendran, Advocate sr 86761.

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PA(CO)
SP(25/11/2019)