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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

C.M.P. (MD)No.2631 of 2020

in

W.A. (MD)No.SR13637 of 2020

M.Karal Marx

... Petitioner

Vs.

1.P.Varadharajan

2.The Special Commissioner and Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai - 14.

3.The Joint Commissioner,
Sri Renganatha Swami Temple,
Hindu Religious and Charitable Endowment Department,
Srirangam, Trichy.

4.The Sub Registrar,
Sub Registrar Office,
Srirangam, Trichy.

... Respondents

PRAYER in C.M.P. (MD)No.2631 of 2020: Petition filed under Section 151 of the Code of Criminal Procedure seeking leave to challenge the order made in W.P. (MD)No.1464 of 2020, dated 12.02.2020.

PRAYER in W.A. (MD)No.SR13637 of 2020: Appeal filed under Clause 15 of Letters Patent as against the order made in W.P. (MD)No.1464 of 2020, dated 12.02.2020.

Prayer in WP(MD). 1464 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court call for the records realting to the 3rd respondent proceedings in Refusal No.RFL/Srirangam/7/2020 dated 10.1.2020 and quash the same and consequently direct the 3rd respondent to register the document of the property belonging to the petitioner with respect to all piece and parcel of land and building on plot No.C24, New D.No.21, Old D.No.3, Rajaji St, Renganagar Colony, Vellithirumutham Village, Srirangam, Trichy comprised in Survey No.750(750D) Municipal Ward No.II, currently numbered as Ward B, BlockNo.56, T.S.No.2614 in T.D No.1029 without insisting NO Objection certificate from the 2nd respondent .

For Petitioner : Mr.R.Murali



ORDER

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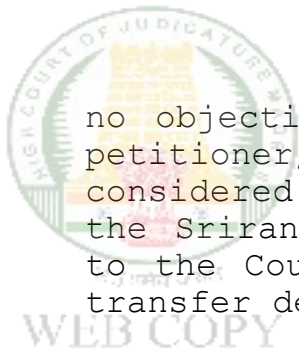
(Order of the Court was made by **P.N. PRAKASH, J.**)

In the year 1953, the Government acquired the lands of Sri Renganathaswamy Temple under the Land Acquisition Act and allotted the lands, so acquired, to Srirangam Co-operative Building Society Limited for it's members to build houses thereon. While so, one P.Varadarajan wanted to transfer his land in Plot No.C24, measuring 3600 sq.ft in favour of one R.Pothiraj and presented a sale deed for registration. The Sub-Registrar refused to register the document on the short ground that the said land belongs to the Sri Renganathaswamy Temple. Therefore, P.Varadarajan filed W.P.(MD) No.1484 of 2020 before this Court for a Mandamus to the Registrar to register the said sale deed. On notice, the Hindu Religious and Charitable Endowment Department entered appearance and conceded that the said land does not belong to the Sri Renganathaswamy Temple inasmuch as it was acquired by the State Government wayback in the year 1953 and was allotted to the Srirangam Co-operative Building Society Limited. The Department further stated that in respect of other lands covered by the acquisition, they would also not raise any objection as and when transfer documents are presented. On these submissions, the learned Single Judge allowed the writ petition on 12.02.2020, with a direction to the Sub-Registrar to register the document within two weeks. Challenging the said order, this petitioner, claiming himself to be a devotee of Sri Renganathaswamy Temple, has preferred the writ appeal and this miscellaneous petition seeking leave.

2. Heard the learned Counsel appearing for the petitioner.

3. In the opinion of this Court, this petitioner is an interloper. The land in question, as alluded to above, originally belonged to Sri Renganathaswamy Temple and it was acquired by the State Government wayback in the year 1953 and was allotted to Srirangam Co-operative Building Society Limited. The society has allotted the subject land to one K.V.Sesha Iyengar on 16.06.1953. After the death of the said K.V.Sesha Iyengar, his legal heirs have sold the property to one P.V.Pangajam in the year 1977, who, in turn, has settled the property to one Dr.P.Srinivasan. Ultimately, Dr.P.Srinivasan settled the property to his younger brother, P.Varadarajan, who wanted to sell the land to R.Pothiraj. In such view of the matter, the contention of the petitioner that the temple lands have been squandered by the Government has no legs to stand.

4. The learned Counsel for the petitioner further contended that the learned Counsel for the Hindu Religious and Charitable Endowments Department has represented that the Department would give



no objection for similarly placed people, which, according to the petitioner, goes beyond the scope of the writ petition. In our considered view, every person, who owns a land that was allotted to the Srirangam Co-operative Building Society Limited, need not come to the Court each time seeking permission for registration of the transfer deed.

5. Under such circumstances, this Court does not find any merit in the case of the petitioner for granting leave. Accordingly, this civil miscellaneous petition stands dismissed and the writ appeal, which is in SR stage, stands rejected.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Gk

To

1.The Special Commissioner and Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai - 14.

2.The Joint Commissioner,
Sri Renganatha Swami Temple,
Hindu Religious and Charitable Endowment Department,
Srirangam, Trichy.

3.The Sub Registrar,
Sub Registrar Office,
Srirangam, Trichy.

+1cc to Mr.R.Murali, Advocate Sr.No.11879

+1cc to Mr.K.Govindarajan, Advocate Sr.No.12075

C.M.P. (MD)No.2631 of 2020

in

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VB(04.06.2020) 3P 6C