



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :12.08.2020
CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P. (MD) No.5204 of 2020
and
W.M.P. (MD) No.4552 of 2020

Kandasamy Naidu

... Petitioner

Vs

The Sub Registrar,
Office of the Sub Registrar,
Theni, Theni District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the order dated 28.02.2020 passed by the respondent in Refusal Number RFL/Theni/2/2020 and to direct the respondent to register the Rental Agreement of the petitioner dated 28.02.2020.

For Petitioner : Mr.K.Appadurai

For Respondent : Mr.V.Anand

Government Advocate

ORDER

This Writ Petition is filed to quash the order dated 28.02.2020 passed by the respondent in Refusal Number RFL/Theni/2/2020 and to direct the respondent to register the Rental Agreement of the petitioner dated 28.02.2020.

2.According to the petitioner, he is the Trustee / Poojari of Arulmigu Kaliyamman Temple, situated at Oonjampatti Village, Annanji, Theni District. A suit in O.S.No.295 of 1987 has been filed against the petitioner for permanent injunction by one Ramar Naidu and the same has also been dismissed for default by the Court below.

3.Once again, the said Ramar Naidu filed another suit in O.S.No.399 of 2000 on the file of the District Munsif Court, Periyakula, against the petitioner and others for declaration of title and for permanent injunction and the same has been dismissed on 09.06.2004. Challenging the same, an appeal in A.S.No.98 of 2004 on the file of the Sub Court, Periyakulam, has been filed and the same has also been dismissed on 20.04.2005. Finally, second appeal in S.A.(MD) No.767 of 2005 has been filed against the petitioner and the same was also dismissed by this Court on 07.11.2008 and review application in Rev.Aplc.No.23 of 2012 to review the judgment and



decree passed in the aforesaid second appeal was also dismissed by this Court on 23.07.2012.

4.In order to augment the income and for maintaining the temple, the petitioner rented out the temple property to one K.Mani for a period of 11 months and submitted the rental agreement dated 28.02.2020 before the respondent for registration of the same. However, the respondent, by his proceedings dated 28.02.2020, had refused to register the aforesaid agreement dated 28.02.2020, stating that there is no title document for the petitioner to rent out the temple property. Hence, the present writ petition.

5.In such circumstances, when the matter is taken up for hearing today, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw this writ petition and requests before this Court that liberty may be given to the petitioner to produce all the relevant documents to prove his title over the temple property before the authorities concerned.

6.By recording the submission made by the learned counsel appearing for the petitioner, this Writ Petition is dismissed as withdrawn with such liberty. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Sub Registrar,
Office of the Sub Registrar,
Theni, Theni District.

+1 CC to M/s.Special Government Pleader (SR-13950[F]

W.P. (MD) No.5204 of 2020

12.08.2020

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