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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24372 of 2012

and

MP.No.1 of 2012

G.Sankaravadivelu

... Petitioner

-Vs-

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028
2. The District Collector,
Nagapattinam District,
Nagapattinam
3. The District Registrar,
Nagapattinam Registration District,
Nagapattinam District,
Nagapattinam
4. The Tahsildar,
Vedaranyam Taluk,
Vedaranyam Town and Taluk,
Nagapattinam District
5. The Sub Registrar,
Vedaranyam
Vedaranyam Town and Taluk,
Nagapattinam District
6. Arulmigu Vedaranyeswaraswamy Thirukovil,
rep. by its Executive Officer,
Vedaranyam, Nagapattinam District
(R6 impleaded as per order dated 22.11.2012
in MP.No.2 of 2012 in WP.No.24372 of 2012)

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to register the documents submitting



by the absolute patta holders, who have obtained absolute pattas through the Inam Abolition Act, 1963, based on the representation made by the petitioner's Association dated 20.01.2012, insofar as the Vedaranyam Pattanam lands in Vedaranyam Taluk, Nagapattinam District.

For petitioner : Mr.S.Conscious Ilango
for Mr.V.Kasinatha Bharathi

For Respondents
For R1 to 5 : Mr.M.R.Gokul Krishnan,
Government Advocate

For R6 : Mr.S.Kingston Jerold

ORDER

The Writ Petition has been filed to issue a Writ of Mandamus directing the respondents to register the documents submitting by the absolute patta holders, who have obtained absolute pattas through the Inam Abolition Act, 1963, based on the representation made by the petitioner's Association dated 20.01.2012, insofar as the Vedaranyam Pattanam lands in Vedaranyam Taluk, Nagapattinam District.

2. The case of the petitioner is that the land comprised in resurvey No.175/3A1A1A1A to an extent of 192.32 acres covered under the Inam Abolition Act, 26 of 1963. As the Inam Abolition Act, the residents of the Vedaranyam Pattanam village have been in continuous enjoyment of the lands from time immemorial in succession. In accordance with the Tamil Nadu Inam Abolition Act, the Vedaranyam Pattanam village was notified in GO.Press No.781, Revenue Department dated 12.03.1965. As per the Act, suo motu enquiry was conducted by the Assistant Settlement Officer, Pattukottai in his proceedings in RP.No.473/IA/Thi/Thu/PU/71, nearly 750 residents were issued patta and it was set aside and granted absolute patta by the proceedings dated 30.06.1993 to each one of the residents. Therefore, the petitioner sought for direction directing the registering authorities to register the documents submitting by the absolute patta holders who have obtained absolute patta under the Inam Abolition Act, 1963.

3. Per contra, the learned counsel for the sixth respondent i.e. Arulmigu Vedaranyeswaraswamy Thirukovil filed counter and submitted that the writ petition is filed by the Association and not filed by the single person who is affected for non registration of their respective documents. However, members of



the Association have got patta only in respect of superstructure and not for the land.

4. Heard, Mr.S.Conscious Ilango, the learned counsel for the petitioner, Mr.M.R.Gokul Krishnan, Government Advocate appearing for the respondents 1 to 5, and Mr.S.Kingston Jerold, the learned counsel for the sixth respondent.

5. The learned counsel for the petitioner relied upon the judgment of the Hon'ble Division Bench of this Court in the case of Sudha Ravikumar and another Vs. The Special Commissioner and Commissioner, Chennai and others reported in CDJ 2017 MHC 2778, wherein the Hon'ble Division Bench of this Court by order dated 05.04.2017 held as follows:

23. This contention is seriously objected to by the learned counsel for the petitioners. First of all we should state that we are not going into this issue because the constitutionality of Section 22-A of the Registration Act is not under challenge. Secondly, whether the property which is covered in the deed presented for registration is a religious endowment or not in terms of the TN HR & CE Act also cannot be gone into by us as the said dispute could be resolved only by a Civil Court on evidence. Even the registering authority is not competent to go into the said disputed question as he is not exercising any judicial or quasi judicial function. Similarly, simply because the some lands were shown as the properties belonging to the religious institution in the register maintained by the temple, it cannot be construed that the said land belongs to the said religious institution. It needs to be noted that the register of properties under Section 29 was prepared not after notice to the interested persons. It was done unilaterally by the religious institution. Similarly, the maintenance of the register by updating the same is also not done after notice to the parties who are interested in the property which is included in the register after the preparation of the original register. Thus, the preparation as well as the maintenance of the register is by the unilateral act of the religious institution and therefore likelihood of the private lands belonging to any individual being included in the register by error cannot be ruled out. All these issues are to be resolved by the Civil Court. Therefore, in our considered view, once patta has been issued under either the Tamil Nadu Estates (Abolition and



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Conversion into Ryotwari) Act, 1948, Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 and the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 it is for the temple to establish its title before the Civil Court. The registrar is bound to act on the basis of the ryotwari patta issued by the authority concerned and he shall not refuse to register the said deeds. As we have already pointed out the remedy for the religious institution is to approach the civil court for appropriate remedy.

24. But this observation of ours shall not be construed that it is our conclusion that ryotwari patta issued to the ryot concerned is the final adjudication relating to the title for the property. We wish to clarify that the final adjudication regarding the title to the property can be had only before a Civil Court. We only say that at the time of registration of the deed, if any objection is made by the religious institution under Section 22-A of the Act, the registering authority shall issue notice afford opportunity to the parties, apply his mind and only from the materials available before him, if he is satisfied that the land belongs to the religious institution or given or endowed to the religious institution, then, he shall refuse to register such deed.

This court specifically held that once patta has been issued under either the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948, Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 196 and the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 it is for the temple to establish its title before the Civil Court. The Registrar is bound to act on the basis of the ryotwari patta issued by the authority concerned and he shall not refuse to register the said deeds. At the time of registration of the deed, if any objection is made by the religious institution under Section 22-A of the Act, the registering authority shall issue notice afford opportunity to the parties, and pass orders.

6. In view of the above, the registering authorities are directed to issue notice to the parties concerned and if any objection is raised by the counter parties, and after giving them opportunity of hearing and apply mind and pass orders on merits and in accordance with law in respect of registration of said document which is presented by the patta holders issued under Inam Abolition Act, 1963.



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7. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028
2. The District Collector,
Nagapattinam District,
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Vedaranyam
Vedaranyam Town and Taluk,
Nagapattinam District
6. Executive Officer,
Arulmigu Vedaranyeswaraswamy Thirukovil,
Vedaranyam, Nagapattinam District

+1cc to Mr.V.Kasinatha Bharathi, Advocate, S.R.No.49161

+1cc to the Government Pleader, S.R.No.48999

W.P.No.24372 of 2012

SMI (CO)
SU(26/10/2021)