



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD)No.1782 of 2014

M/s.The Tirunelveli Tamil (Strict) Baptist Trust Society,
Represented by its Secretary
A.Michel. ... Petitioner

Vs.

1.The District Registrar,
District Registration Office,
Palayamkottai,
Tirunelveli District.

2.The Sub-Registrar,
Sub-Registration Office,
Kovilpatti,
Tuticorin District.

3.J.N.Stephen Ambrose ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first and second respondents to refuse to register any documents presented by the third respondent with regard to the properties of the petitioner society viz land admeasuring 4 acres and 54 cents and building therein bearing Door Nos.1, 2, 3, 4, 5, 6, 7, 8, 9, 10A, 10B, 10B1, 11 and 12 at Survey No.608 part [T.S.No.41 to 55-Ward E, Block No.1], Manthithoppu Road, Kovilpatti and Taluk, Tuticorin District and another land admeasuring 18.5 cents and Building bearing Door Nos.97, 98 and 99 situated at Survey Nos.193, 194 and 195 [Old Survey No.167/10], New Road, Kovilpatti, Kovilpatti Taluk, Tuticorin District on the basis of the representation given by the petitioner on 13.01.2013.

For Petitioner : Mr.B.Rajesh Saravanan
For R-1 and R-2 : Mr.N.Satheesh Kumar,
R3 Died Additional Government Pleader.



ORDER

Heard Mr.N.Satheesh Kumar, learned Additional Government Pleader who appears for the first and second respondents.

2. The petitioner / Tirunelveli Tamil(Strict) Baptist Trust Society had a long, winding litigation as against the third respondent who unfortunately is now dead .

3. The petitioner claims that they are owning lands measuring 4.54 acres and also the buildings therein at Survey No.608 Part in Manthithoppu Road, Kovilpatti Taluk and further lands measuring 18.5 cents and also building in Door Nos.97, 98 and 99 in Survey Nos.193, 194 and 195 in New Road, Kovilpatti Taluk in Tuticorin District. The third respondent apparently had taken possession and was also a tenant in Door No.98.

4. The petitioner and the third respondent were originally involved in a litigation in O.S.No.155 of 1985 which was before District Munsif Court at Kovilpatti. A judgment was delivered on 09.11.1988. The matter was then taken up in appeal in A.S.No.6 of 1989 before the Sub Court at Tuticorin and judgment was delivered on 30.12.1991 and the matter also went up to Hon'ble Supreme Court in S.L.P.No.20698 of 2012 and an order was passed on 27.07.2012. There were also other proceedings in O.S.No.241 of 2003 which also reached the Supreme Court. The petitioner being successful, finally filed E.P.No.36 of 2013.

5. Learned counsel for the petitioner states that only after all those litigations, the petitioner was able to take possession of aforesaid mentioned Door No.98 in which the third respondent was in possession.

6. This Writ Petition had been filed on the apprehension that the third respondent, when he was alive would present any document which would create an encumbrance and cause a cloud over the title of the aforesaid properties of the petitioner in the said survey numbers.

7. This Writ Petition has been pending for the past seven years. The third respondent has now died. It is stated that as on date, legal representatives might also file some doubt before the first and second respondents impinging by questioning the title of the petitioner herein.

8. If, however, any document is presented or any representation is given or any objection is given to the first and second respondents with respect to the said survey numbers, I am confident that the first and second respondents would issue notice to the petitioner, hear the petitioner and thereafter take a considered decision particularly taking into consideration the



judgments of all the tiers of the Court in which the petitioner had succeeded and established title.

9. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Nsr/Lm

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

1.The District Registrar,
District Registration Office,
Palayamkottai,
Tirunelveli District.

2.The Sub-Registrar,
Sub-Registration Office,
Kovilpatti,
Tuticorin District.

+1 CC to M/s.SPL GP (SR-35150[F] dated 19/11/2021)

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SS (CO)
KB(02.12.2021) 3P 4C