



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.2596 of 2022

and W.M.P. (MD).No.2300 of 2022

WEB COPY

A.Sekar

.. Petitioner

Vs.

1.The District Registrar,
Kumbakonam District, Kumbakonam,
Tanjavur District.

2.The Sub Registrar,
Kumbakonam,
Tanjavur District.

3.The Sub Registrar,
Swamimalai,
Kumbakonam Taluk,
Tanjavur District.

4.The Joint Commissioner,
H.R & C.E Department,
Mayiladuthurai Division,
Mayiladuthurai.

5.T.Chandra

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to cancel the registration of the documents namely the Will dated 12.06.84 and registered as Doc.No.48/1984 in the office of 2nd respondent and the sale deed dated 22.06.2018 and registered as Doc.No.1739/2018 on the file of 3rd respondent in consideration of the petition dated 05.01.2022 filed by the petitioner.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondents	: Mr.S.Shanmugavel for R1, R2, R4 Additional Government Pleader Mr.P.Tiraviyam for R3 Government Advocate

ORDER

This writ petition has been filed seeking for a direction to the first respondent to cancel the registration of the document viz., 'Will', dated 12.06.1984 and registered in Doc.No.48/1984 and the sale deed, dated 22.06.2018 and registered as Doc.No.1739/2018, based on the petitioner's representation, dated 05.01.2022.



2. According to the petitioner, the property, which is the subject matter of the 'Will' dated 12.06.1984 and registered as Document No.48/1984 and the sale deed, dated 22.06.2018, and registered as Document No.1730/2018, belongs to the petitioner Temple viz., Arulmighu Sengalunir Pillaiyar Thirukoil, Sundaraperumal Kovil, Kumbakonam Taluk, Thanjavur District. The revenue records are also standing in the name of the Temple. But despite the same, the lessee under the Temple has fraudulently executed a 'Will' in the year 1984 and thereafter, a sale deed has also been registered in favour of the fifth respondent under the sale deed, dated 22.06.2018 and registered as Document No.1739/2018. According to him, they came to know about this only recently, after the new Trustee took charge of the Temple. In such circumstances, the petitioner Temple gave a representation, dated 05.01.2022 to the first respondent seeking for cancellation of the aforementioned documents. Since the said representation has not been considered till date, this writ petition has been filed.

3. Heard Mr.G.Prabhu Rajadurai, learned counsel for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1, 2 and 4 and Mr.P.Thiraviyam, learned Government Advocate, who accepts notice on behalf of the third respondent.

4. The learned counsel for the petitioner drew the attention of this Court to the revenue records, which are filed in the typed set of papers, which includes Adangal and Chitta to show that the subject properties belong to the petitioner Temple. He also drew the attention of this Court to the records maintained by the HR & CE Department pertaining to the Temple, which will reveal that the subject property belongs to the Temple.

5. After giving due consideration of the same, this Court is of the view that no prejudice would be caused to the respondents, if the petitioner's representation, dated 05.01.2022 is considered on merits and in accordance with law by the first respondent, after hearing the petitioner as well the other necessary parties, including the fifth respondent.

6. Accordingly, this Court directs the first respondent to consider the petitioner's representation, dated 05.01.2022 seeking for cancellation of registration of 'Will', dated 12.06.1984 and registered as Document No.48/1984 and the sale deed, dated 22.06.2018 and registered as Doc.No.1739/2018 and pass final orders on merits and in accordance with law, after hearing all the necessary parties, including the fifth respondent, within a period of twelve weeks from the date of receipt of a copy of this order.



7. With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (T&P)

/ /2022

Sub Assistant Registrar(CS)

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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,
Kumbakonam District,
Kumbakonam,
Tanjavur District.
2. The Sub Registrar,
Kumbakonam,
Tanjavur District.
3. The Sub Registrar,
Swamimalai,
Kumbakonam Taluk,
Tanjavur District.
4. The Joint Commissioner,
H.R & C.E Department,
Mayiladuthurai Division,
Mayiladuthurai.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-5249[F]
dated 10/02/2022)

+1 CC to M/s.SPL GP (SR-5318[F] dated 10/02/2022)

W.P (MD) .No.2596 of 2022
09.02.2022

KS (CO)
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