



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3869 of 2022

WEB COPY

Krishnamurthy

... Petitioner

/Vs./

1. The District Collector,
Madurai District,
Madurai.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Madurai District.
3. The Executive Officer/Assistant Commissioner,
Arulmigu Subramania Swamy Thirukovil,
Thirupparankundram,
Madurai.
4. The Tahsildar,
Thirupparankundram Taluk,
Madurai.
5. The Sub Registrar,
Thirupparankundram,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 5th respondent to act accordingly in registering any documents pertaining to the land bearing to the petitioner in S.No.136/2C1 and sub division Resurvey No.136/2C1A and Natham Patta No.4357, Natham survey No.136/2C1A part new survey No.747/17, Plot No.30 at Thirupparankundram Madurai North Taluk, Thirupparankundram Taluk, Thirupparankundram Village, Madurai District after availing detailed report over the said property, within the time frame fixed by this Court.

For Petitioner
For Respondent

: Mr.T.Palanisamy
: Mr.S.Shanmugavel
Additional Government Pleader
for R1, R4 & R5
Mr.P.Subbaraj
Special Government Pleader for R2
Mr.S.Manohar
Standing Counsel for R3



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the fifth respondent to conduct enquiry with regard to registration of documents pertaining to the land bearing S.No.136/2C1 and sub division Resurvey No.136/2C1A and Natham Patta No.4357, Natham survey No.136/2C1A part new survey No.747/17, Plot No.30 at Thirupparankundram Madurai North Taluk, Thirupparankundram Taluk, Thirupparankundram Village, Madurai District, after getting a detailed report over the said property, based on the petitioner's representation dated 18.02.2022, within a time frame to be fixed by this Court.

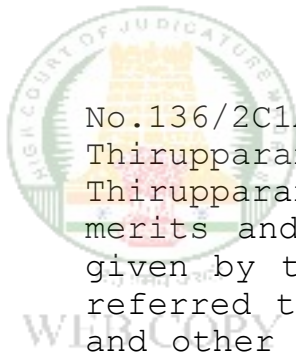
2.The petitioner claims that the aforementioned property belongs to him, but the fifth respondent is not registering any document on the ground that it is a temple property. The petitioner has requested the respondents to conduct enquiry with regard to the same. He has given a representation on 18.02.2022 for the said purpose. Since the representation has not been considered till date, he has filed this writ petition.

3.Heard Mr.T.Palanisamy, learned Counsel for the writ petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1, 4 and 5, Mr.P.Subbaraj, learned Special Government Pleader, who accepts notice on behalf of the second respondent and Mr.S.Manohar, learned Standing Counsel, who accepts notice on behalf of the third respondent.

4.The learned Additional Government Pleader appearing for the respondents 1, 4 and 5 would submit that the subject property is a temple property and only on that ground, the registration of the document is not permitted.

5.However, learned counsel appearing for the petitioner would submit that an enquiry will have to be conducted on the petitioner's representation in terms of the Judgment of the Hon'ble Division Bench of this Court in **Sudha Ravi Kumar and Ors. Vs, The Special Commissioner and Commissioner, Hindu Religious and Charitable Endowments Department and others** reported in **2017 (3) CTC 135** and it is the case of the petitioner that the fifth respondent cannot refuse registration of any document presented for registration, without conducting an enquiry.

6.No prejudice would be caused to the respondents, if the representation of the petitioner dated 18.02.2022 seeking for holding an enquiry with regard to registration of document pertaining to the land bearing in S.No.136/2C1 and sub division Resurvey No.136/2C1A and Natham Patta No.4357, Natham survey



No.136/2C1A part new survey No.747/17, Plot No.30 at Thirupparankundram Madurai North Taluk, Thirupparankundram Taluk, Thirupparankundram Village, Madurai District, is considered on merits and in accordance with law, in the light of the directions given by the Division Bench of this Court in **Sudha Ravi Kumar** case referred to supra, after affording a fair hearing to the petitioner and other necessary parties, whom the fifth respondent deems fit to enquire, within a time frame to be fixed by this Court.

7. Accordingly, this Court directs the fifth respondent to consider the petitioner's representation dated 18.02.2022 seeking for holding an enquiry with regard to registration of documents pertaining to the land bearing in S.No.136/2C1 and sub division Resurvey No.136/2C1A and Natham Patta No.4357, Natham survey No.136/2C1A part new survey No.747/17, Plot No.30 at Thirupparankundram Madurai North Taluk, Thirupparankundram Taluk, Thirupparankundram Village, Madurai District, and pass final orders on merits and in accordance with law, in the light of the directions given by the Division Bench of this Court in *Sudha Ravi Kumar* case referred to supra, after affording a fair hearing to the petitioner, the third respondent and any other necessary parties, whom the fifth respondent deems fit to enquire, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /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 Collector,
Madurai District, Madurai.
2. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Board,
Madurai District.



3. The Tahsildar,
Thirupparankundram Taluk,
Madurai.

4. The Sub Registrar,
Thirupparankundram,
Madurai.

+1 CC to M/s.SPL GP (SR-9683,9709[F] dated 03/03/2022)

+1 CC to M/s.S.MANO HAR, Advocate (SR-9972[F] dated 04/03/2022)

W.P. [MD]No.3869 of 2022

Dated:

02.03.2022

RK(16/03/2022) 4P 7C