



W.P.(MD).No.12245 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.12245 of 2014

and

M.P(MD) No.1 of 2014

M.Sankaralingam

... Petitioner

-VS-

1. The District Registrar,
Tiruchirappalli District,
Tiruchirappalli.

2. The Sub-Registrar,
Srirangam,
Trichy.

3. The Joint Commissioner/
Executive Officer,
Srirangam A/m. Ranganathaswamy Temple and
Trichy Kottai Bi Bazaar Kailasanathar Temple,
Trichy.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the second respondent in Na.Ka.No.



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194/2014, dated 25.04.2014 and quash the same as illegal and further directing the second respondent to register and release the documents presented for registration in respect of the property bearing T.S.No.1994/1, Municipal Ward Old No.2, New No.B, Block No.41, Thimmaraya Samudharam Village, Srirangam Taluk, Trichy District covered under Settlement Deed, dated 05.11.2009 (registered as document No.2487/2009 on the file of the second respondent) without insisting No Objection Certificate from the HR & CE Department.

For Petitioner : Mr.R.Balakrishnan
For R-1 & R-2 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R-3 : Mr. M.Saravanan

ORDER

The present Writ Petition has been filed challenging the order passed by the second respondent herein, refusing to accept a sale deed for registration, on the ground that the property belongs to the third respondent Temple.



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2. According to the learned counsel for the petitioner, the property was originally purchased in the Court auction by his father T.Marimuthu in proceedings, dated 13.04.2009, in Trust O.P.No.1 of 2009, on the file of the District Court, Tiruchirappalli. After purchasing the said property, from the Court auction, the petitioner's father has settled the property in favour of the petitioner, on 05.11.2009. Based upon the Settlement Deed, the petitioner has presented a Sale Deed for registration before the second respondent herein for alienating the property in favour of the third parties. The said presentation was rejected on the ground that it belongs to the third respondent Temple. The said order is under challenge in the present Writ Petition.

3. According to the learned counsel appearing for the third respondent Temple, the petitioner claims title, on the basis of the Court auction held, based upon the order, dated 13.04.2009 made in Trust O.P.No.1 of 2009 on the file of the District Court, Tiruchirappalli. The said order was challenged in C.R.P(MD) (PD) Nos.875 to 877 of 2012 by the third respondent Temple. This Court was pleased to allow the Revision Petitions, on 01.12.2014,



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setting aside the order passed by the learned District Judge. In the said proceedings, the learned Single Judge has also directed the petitioner in Trust O.P. to repay the sale consideration to the writ petitioner's father. This order has been challenged before the Honourable Supreme Court in SLP Nos.11497 - 11499 of 2015 by the petitioner in Trust O.P, the petitioner in both the writ petitions. The Honourable Supreme Court was pleased to order notice and directed the parties to maintain the *status quo* with regard to the properties as on today.

4. In view of the order passed by the Honourable Supreme Court and in view of the order passed by this Court in C.R.P(MD)(PD) Nos. 875 to 877 of 2012, the prayer sought for in the Writ Petition cannot be granted as of now. The writ petitioner is at liberty to approach the second respondent for registration of any document, after disposal of S.L.P, pending before the Honourable Apex Court.



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5. With the above said observation, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes / No

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To

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3. The Joint Commissioner/
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R.VIJAYAKUMAR,J.

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