



*W.P.(MD).No.15592 of 2014*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.08.2022**

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.15592 of 2014**

P.Rathina Sabapathi (Died)

... Petitioner

1.R.Palanichamy  
2.Arumugabaskar  
3.S.Leela

... Proposed Petitioners

*(Petitioners 1 to 3 are impleaded vide Court order, dated 19.07.2022 in W.M.P(MD)No.15962 of 2021 in W.P(MD)No. 15592 of 2014)*

Vs.

1.The Executive Officer,  
Arulmigu Subramania Swami Thirukoil,  
Thirupparankundram,  
Madurai-625 005.

2.The Joint Sub-Registrar No.IV,  
Office of Sub-Registrar,  
51, VMR Complex, Bye Pass Road,  
Pazhanganatham,  
Madurai-625 003.

... Respondents

3.K.Seetharaman

... Proposed Respondent

*(R3 is impleaded vide Court order, dated 22.11.2016 in W.M.P(MD)No.13702 of 2016 in W.P(MD)No.15592 of 2014)*

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**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records from the first respondent herein relating to his proceedings Na.ka.No.632/2004/E.1, dated 20.02.2004 and quash the same in so far as the entry relating to the prohibition of registration of documents in respect of S.Nos.580 and 582/3 of Avaniyapurarm Village, Madurai South Taluk, Madurai District, and consequently direct the second respondent herein to remove the above said entry from its Book No.1 - Volume 2934 - page 119 registered as Memo No.11/2004, dated 13.03.2004 .

For Petitioner : Mr.V.Venkkatasamy  
For R-1 : M/s.S.Manohar  
For R-2 : Mr.M.Lingadurai  
Special Government Pleader  
For R-3 : Mr.S.Madhavanan

**ORDER**

The present Writ Petition has been filed challenging a communication sent by the first respondent herein to the second respondent, that no document shall be registered pertaining to the schedule mentioned survey numbers in the impugned communication.



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2. According to the petitioner, the land in dispute is a service inam and the beneficiary of the said service inam is the third respondent in the writ petition. The petitioner claims himself to be the tenant of the third respondent. The third respondent, when he approached the second respondent for registering the document for transferring his Kudiwaram rights, he was not permitted to register such a document on the ground that citing the impugned letter of objection issued by the first respondent. Hence, the present writ petition has been filed seeking to quash the impugned letter issued by the first respondent to the second respondent.

3. Pending writ petition, the petitioner has filed an additional affidavit, admitting that he is the tenant of the third respondent, who is the service inam holder. Admittedly, the said service inam is for the benefit of the first respondent temple. Admittedly, the third respondent is the service inam holder and there is a dispute with regard to the fact whether the first respondent temple is the beneficiary of the said service inam or not. The petitioner having admitted the fact that the third respondent is the land-lord and the petitioner is the tenant, naturally he will be entitled to sublease the said properties. However, the impugned



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letter issued by the first respondent to the second respondent herein completely prevents the petitioner from executing any sublease agreement in favour of the third parties. The lease being an agricultural lease, the petitioner will always be legally entitled to sublet the same in favour of the third parties. In view of the above said fact, this Court passes the following order:

*"The second respondent herein is at liberty to register the documents presented by the petitioner, only if they are of the character of sub-lease deed in relation to Survey Nos.580 and 582/3 of Avaniapuram Village, Madurai South Taluk, Madurai District. In case, any other document in the nature of sale, mortgage, gift or settlement is presented either by the petitioner or by the third parties, the same shall not be entertained by the second respondent herein. The sub-lease deed can be registered if it is for agricultural purposes only".*



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4. With the above said observations, the Writ Petition stands allowed, only to the extent of permitting the writ petitioner to register his sublease deed with regard to the Survey Nos.580 and 582/3. In other respects, the impugned order is confirmed. There shall be no order as to costs.

**23.08.2022**

Index : Yes / No  
Internet : Yes / No  
btr

To

1.The Executive Officer,  
Arulmigu Subramania Swami Thirukoil,  
Thirupparankundram,  
Madurai-625 005.

2.The Joint Sub-Registrar No.IV,  
Office of Sub-Registrar,  
51, VMR Complex, Bye Pass Road,  
Pazhanganatham,  
Madurai-625 003.



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**R.VIJAYAKUMAR, J.**

btr

Order made in  
**W.P.(MD).No.15592 of 2014**

**23.08.2022**