



W.P(MD)No.17000 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.17000 of 2014

L.Sivagurunathan

... Petitioner

Vs.

1.The District Registrar (Stamps),
Tirunelveli District.

2.The Registrar,
Registration Department,
Tirunelveli.

3.The Sub Registrar,
Registrar Office,
Radhapuram,
Tirunelveli District.

4.The Executive Officer,
Arulmigu Varagunapandeeswarar Thirukovil,
Radhapuram, Radhapuram Taluk,
Tirunelveli District-627 111.

... Respondents

(Respondent No.4 is impleaded, vide Court order, dated 02.11.2022, in W.M.P(MD)No.17557 of 2022 in W.P(MD)No.17000 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 Mandamus, directing the third respondent to register and release the document No.14630 sale deed, dated 10.10.2014, executed by N.Loganathan in favour of the petitioner.

For Petitioner : M/s.S.Meenakshi Sundaram
Senior Counsel
for M/s.R.Manimaran

For R-1 to R-3 : M/s.S.Jeyapriya
Government Advocate

For R-4 : M/s.P.Subbaraj
Special Government Pleader

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the third respondent to register and release the pending document No.14630, dated 10.10.2014, executed by one Loganathan in favour of the writ petitioner.

2. According to the learned Senior Counsel appearing for the petitioner, the survey number in dispute, namely, 339/3B1 belongs to his vendor, namely, one Loganathan, who had purchased this property under document No.4147/2010. Based upon the said sale deed, Loganathan had



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executed a sale deed in favour of the writ petitioner on 10.10.2014.

When the said sale deed was presented for registration to the third respondent herein, he had refused to entertain the said sale deed on the ground that, as per guideline register, Survey No.339 stands in the name of the fourth respondent Temple. Hence, the present writ petition has been filed seeking a direction to the third respondent to register the said sale deed.

3. The learned Senior Counsel for the writ petitioner had pointed out that the fourth respondent Temple had addressed a letter to the third respondent on 02.07.2012, requesting the third respondent, not to register any document relating to the properties belonging to the Temple. Along with the said letter, an annexure has been enclosed, wherein all the survey numbers, extents and the relevant patta numbers that belong to the Temple are mentioned. In the said annexure, it could be seen that the fourth respondent Temple claimed ownership for 2.75 acres out of 11.02 acres in Survey No.339. The patta had been issued in favour of the Temple for the above said extent in patta No.889 and computer patta has been granted in favour of the Temple in patta No.1099.



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4. The learned Senior Counsel pointed out that in patta No.1099, the Temple has been granted patta only for Survey Nos.339/3A1 and 339/3A2. However, the present document which is sought to be registered, relates to S.No.339/3B1. Hence, according to the learned Senior Counsel for S.No.339/3B1, no patta is standing in favour of the fourth respondent Temple.

5. The learned Senior Counsel further contended that even, as per the letter of the fourth respondent Temple, dated 02.07.2012, they have made a claim only over 2.75 acres out of 11.02 acres in Survey No.339. The said Survey No.339 have been sub divided and the lands, for which, already patta has been granted is included in patta No.1099. Hence, by no stretch of imagination, the fourth respondent Temple can make a claim over Survey No.339/3B1. Without considering the letter issued by the fourth respondent Temple on 02.07.2012 or patta No.1099, the third respondent had refused to entertain the sale deed for registration. Hence, he prayed for a direction to the third respondent to register the sale deed.



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6. Per contra, the learned Special Government Pleader appearing for the fourth respondent herein had contended that though the Temple may be entitled to an extent of 2.75 acres in Survey No.339, now steps are being taken to seek patta for the other survey numbers, that were left out during sub division. However, as on today, there is no patta in favour of the Temple for S.No.339/3B1.

7. I have carefully considered the submissions made on either side.

8. As per the contentions of the fourth respondent Temple, they are entitled to only 2.75 acres out of 11.02 acres in Survey No.339. Patta No. 1099 which has been issued in favour of the Temple discloses that, patta has been granted to the Temple for sub divisions 339/3A1 and 339/3A2. No patta has been issued in favour of the Temple for S.No.339/3B1. That apart, patta has been issued in favour of the writ petitioner for S.No. 339/3B1 in patta No.1678. In view of the above said facts, I find that the third respondent has not taken into consideration the sub divisions effected and a separate patta granted in favour of the writ petitioner and the fourth respondent Temple.



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9. In view of the above said facts, the petitioner is not attempting to alienate any property belonging to the Temple even as per their letter, dated 02.07.2012. Hence, I find that the third respondent has erroneously returned the sale deed presented by the writ petitioner. In view of the above said facts, there shall be a direction to the third respondent herein to register the sale deed presented by the writ petitioner, if it is otherwise in order.

10. With the above said observation, the writ petition stands allowed. There shall be no order as to costs.

17.11.2022

Index : Yes / No
Internet : Yes / No
btr



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R.VIJAYAKUMAR, J.

btr

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W.P(MD)No.17000 of 2014

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