



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 02.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21746 of 2022

Duraipandian

..Petitioner

Vs

1.The Sub-Registrar,
Sub-Registrar Office,
Sankarankovil,
Tenkasi District.

2.The Arulmighu Sankaranarayanasamy Temple,
represented by
The Assistant Commissioner/Executive Officer,
Sankarankovil,
Tenkasi District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to accept the document for registration to be submitted by the Petitioner with regard to Plot No.48, Door No.752 in NGO "A" Colony in Old.S.No.620/1 Part and New S.No.747/12 measuring 4050 sq.ft bearing patta No.1237, situated in Kalappakulam Village, Sankarankovil Taluk, Tenkasi District and register the same within the time fixed by this Court.

For Petitioner :Mr.R.J.Karthick

For Respondent-1 :Ms.S.Jayapriya
Govt.Advocate

For Respondent-2 :Mr.VR.Shanmuganathan

**ORDER**

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The Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing the first respondent to accept the document for registration to be submitted by the Petitioner with regard to Plot No.48, Door No.752 in NGO "A" Colony in Old.S.No.620/1 Part and New S.No. 747/12 measuring 4050 sq.ft bearing patta No.1237, situated in Kalappakulam Village, Sankarankovil Taluk, Tenkasi District and register the same within the time fixed by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the Petitioner is that the Petitioner is retired from the post of Inspector of Service in Revenue Department.The land in S.Nos. 622/1, 622/2, 622/3, 618/18, 619, 620/1, 621/1 in Kalappakulam Village, Tirunelveli District(now Tenkasi District) measuring an extent of 38.88 acres originally belongs to the second respondent temple and the same was given as service maniam to the Poojamurai Bhattars and they have sold the same to the NGGO's and other public servants Cooperative Buildings Society Limited No.MDA-HSG.2, Sankarankovil without getting prior sanction from the Commissioner, Hindu Religious and Charitable Endowments Department as required under Section 34 of the Act.

Challenging the same, the second respondent temple filed O.S.No.181 of



1975 before the District Munsif Court, Sankarankovil and the same was decreed in favour of the temple, against which, the society and Bhattars have filed A.S.No.23 of 1977 and during the pendency of the appeal, the Society and Bhattars have arrived at a compromise, by which, the Bhattars are permitted to sell the property in question and the Bhattars prepared to deposit the sale amount into temple and to the services to the temple without any claim over the property or the deposited amount either to them or to their successors and the said compromise was permitted to be entered into by the temple by the Commissioner, HR and CE Department under section 43 of the Hindu Religious and Charitable Endowments Act. After that the Poojamurai Bhattars executed a release deed, dated 3.4.1982 in favour of the NGGO's and other public servants Cooperative Buildings Society Limited, No.MDA-HSG-2, Sankarankovil. After that, the Petitioner had purchased the the above said property and constructed a house with Door No. as stated above. When the same was presented for registration to the first respondent, the same was returned for want of No Objection Certificate from the second respondent temple. The temple has already given no objection on 15.5.2006 in this regard. The Petitioner has submitted a representation on 10.09.2022 to the first respondent. Since the same was not considered, the Petitioner has filed the present Writ Petition for the relief stated supra.

4. The learned counsel for the second respondent produced a



communication in Na.Ka.No.775/2022/Aa1, dated 24.09.2022 stating that the Petitioner's land come under the lands sold by the Temple to the above society. He would further submit that there is no objection for the temple authorities to submit the documents for registration before the Registration authorities.

5.In view of the above said submission, this Court directs the first respondent to accept the document for registration to be submitted by the Petitioner with regard to Plot No.48, Door No.752 in NGO "A" Colony in Old.S.No.620/1 Part and New S.No.747/12 measuring 4050 sq.ft bearing patta No.1237, situated in Kalappakulam Village, Sankarankovil Taluk, Tenkasi District and register the same based on the representation of the Petitioner, dated 10.09.2022 and the communication of the second respondent temple as referred to above, in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of six weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition stands disposed of. No costs.

02.11.2022

Index : Yes/No



Internet:Yes/No

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vsn

To

- 1.The Sub-Registrar,
Sub-Registrar Office,
Sankarankovil,
Tenkasi District.

- 2.The Assistant Commissioner/Executive Officer,
Arulmighu Sankaranarayanasamy Temple,
Sankarankovil,
Tenkasi District.



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ORDER MADE IN

W.P(MD)No.21746 of 2022

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