



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED 01.12.2022**

CORAM

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

**W.P(MD)No.27143 of 2022**

Uma Devi

..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,  
Arulmighu Subramania Swamy Thirukkoil,  
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, praying this Court to issue a Writ of Mandamus directing the fifth respondent to act accordingly in registering any documents pertaining to the land belonging to the Petitioner in R.S.No.136/1C to a total extent of 1045 sq.ft south side excluding 175 sq.ft in extended 870 sq.ft situated at Vanchinathan Street, Sundar Nagar, Thirunagar, Madurai Ward No.95, after availing detailed report over the said property within the time frame



fixed by this Court.

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For Petitioner : Mr.T.Palanisamy

For Respondents: Mr.D.Gandhiraj  
1 and 4 Special Govt.Pleader

For Respondent-2: Mr.N.Ramesh Arumugam  
Government Advocate

For Respondent-3: Mr.S.Manohar

For Respondent-5: Mr.K.S.Selvaganesan  
Addl.Govt.Pleader

### **ORDER**

The Petitioner has prayed for issuance of a Writ of Mandamus directing the fifth respondent to act accordingly in registering any documents pertaining to the land belonging to the Petitioner in R.S.No. 136/1C to a total extent of 1045 sq.ft south side excluding 175 sq.ft in extended 870 sq.ft situated at Vanchinathan Street, Sundar Nagar, Thirunagar, Madurai Ward No.95, after availing detailed report over the said property within the time frame fixed by this Court.

2.Mr.D.Gandhiraj, learned Special Government Pleader takes notice for the respondents 1 to 4, Mr.N.Ramesh Arumugam, learned Government Advocate takes notice for the second respondent, Mr.S.Manohar, learned counsel takes notice for the third respondent and Mr.K.S.Selvaganesan, learned Additional Government Pleader takes notice for the fifth respondent. By consent of both parties, the Writ Petition is



taken up for final disposal at the admission stage itself.

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3.The case of the Petitioner is that the Petitioner has purchased the petition mentioned properties and she was in possession and enjoyment of the same from the year 1982 by paying proper tax.From the 'A' Register, it is seen that the said land has been classified as 'GD' ie. Government Dry Land and patta has been issued in the name of her predecessors.Further the said land fall within the ownership of the third respondent classified as "I" as Inam and the property which is under the ownership of the Petitioner is not classified among the inam lands. The Petitioner for her medical expenses tried to sell the property and the fifth respondent refused to register the same on the ground that the property in question belongs to the third respondent temple and also stated that there is notification in this regard by the third respondent temple.The Petitioner has sought for notification with the respondents 3 and 5 and the same was not provided till date. Even though the Petitioner produced all the relevant documents, by showing the blanket order of the third respondent temple, the fifth respondent refused to register the same. Hence the Petitioner has filed this Writ Petition for the relief stated supra.

4.The learned counsel for the third respondent temple would submit that the land in question belongs to the temple and the survey number in question was challenged in W.P(MD)No.11008 of 2019 and 11031 of



2019 and this Court by order, dated 30.4.2019 disposed of the matter giving directions directing the authorities to return the documents to the parties concerned, leaving it open to the religious institution to approach the High Court or competent Civil Court for appropriate relief and with further direction that, at any rate, the registering authority shall not withhold the deed which has already been registered.

5.The learned counsel for the fifth respondent would submit that unless and until No Objection Certificate is obtained from the third respondent, they are not in a position to register the said document as sought for by the Petitioner.

6.The learned Special Government Pleader appearing for the respondents 1 and 4 would submit that they will abide by the orders of this Court and that they have to protect the properties of the temple which has been given for the welfare and maintenance of such temples.

7.In view of the above,this Court, without going into the merits of the matter, directs the respondents concerned to look into the claim made by the Petitioner in the present Writ Petition, enquire into the same, conclude the same and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of sixteen weeks from the date of



receipt of a copy of this order.

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8. With the above direction, the writ Petition stands disposed of. No costs.

**01.12.2022**

Index : Yes/No  
Internet: Yes/No  
vsn

To

1. The Sub-Collector,  
Periyakulam,  
Theni District.

2. The Tahsildar,  
**Theni.**



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vsn

**ORDER MADE IN**

**W.P(MD)No.27143 of 2022**

**01.12.2022**



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