



W.A.No.1233 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.1233 of 2023

R.Nalina
(Principal)
rep. through Power Agent
P.Kandaswamy

.. Appellant

Vs.

1.The District Registrar,
Salem West, Salem.

2.The Sub-Registrar,
Omalur, Salem District.

.. Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 27.9.2022 passed in W.P.No.25826 of 2022.

For the Appellant : Mr.M.Elango



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For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by
Mrs.R.Anitha
Spl. Government Pleader
for respondents 1 and 2

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.M.Elango, learned counsel for the appellant and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondents.

2. The appellant challenges the order passed by the learned Single Judge. The appellant had filed the writ petition seeking direction against the respondents to accept the sale deed to be submitted by the appellant in respect of the property bearing Survey No.30/1 measuring an extent of 0.77.0 Hectare situated at Kottagoundampatti Village, Omalur Taluk.



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3. Learned Single Judge observed that the appellant can approach the competent civil court to establish the title.

4. Learned counsel for the appellant submits that there is no dispute with regard to the title. Joint patta has been issued in favour of the mother of the appellant and six other persons. An objection is raised by the temple. The temple is not the owner of the property. The District Revenue Officer has also held to that effect in the order dated 10.7.2023 and has asked the temple to approach the civil court. It is only for the temple to approach the civil court. The objection of the temple cannot be a ground to refuse the registration. The learned Single Judge has observed that joint patta is issued in favour of Eswari and six others for the subject-land and there is no separate patta issued to Eswari. It is the case of the respondents that the land belongs to Senrayapperumal temple and that the appellant has no right over the subject-property.

5. The dispute with regard to title exists. In such case, it is only the civil court that would be competent to resolve the dispute.



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6. Learned Single Judge has kept the remedy of the appellant open and the rights are not adjudicated under the impugned order. In view of the fact that liberty is already given by the learned Single Judge, no further orders are necessary in this appeal.

7. The appeal, as such, is disposed of. There will be no order as to costs. Consequently, C.M.P.No.19236 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

04.10.2023

Index : Yes/No
Neutral Citation : Yes/No
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To

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