



W.P.No.31352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.31352 of 2023

V.Arul

... Petitioner

versus

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinampakkam, Chennai – 600 028.
- 2.The District Registrar (Administration),
District Registrar Office,
Chengalpattu Registration District,
No.10, Kancheepuram High Road,
Chengalpattu – 603 002.
- 3.The Sub Registrar Joint-II,
Chengalpattu, Chengalpattu Registration District,
Chengalpattu.



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4.Arul Excello Realities Private Limited,
18, Bhattad Towers, West Cott Road,
Royapettah, Chennai,
Tamil Nadu – 600 014.
Respondents

...

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 26.08.2023 to cancel the Exchange deeds registered in Doc.No.3620/2007 dated 15.03.2007, Doc.No.7844/2007 dated 06.06.2007 and Doc.No.7846/2007 dated 06.06.2007 on the file of the Joint II, SRO, Chengalpet in relation to the temple lands comprised in Survey No.52, 88, 103/2 and 103/3 situated at Vallancheri Village.

For Petitioner : Mrs.S.Vasavi Sridevi

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for R1 to R3

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for respondents 1 to 3. Since no adverse order is being passed as against the 4th respondent, notice to the 4th respondent is dispensed with.

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2.This writ petition has been filed seeking for issuance of a writ of mandamus directing the second respondent to consider the petitioner's representation dated 26.08.2023, wherein and whereby, he sought to cancel the Exchange deeds registered in Doc.No.3620/2007 dated 15.03.2007, Doc.No.7844/2007 dated 06.06.2007 and Doc.No.7846/2007 dated 06.06.2007 on the file of the Joint II, SRO, Chengalpet in relation to the temple lands comprised in Survey No.52, 88, 103/2 and 103/3 situated at Vallancheri Village.

3.The case of the petitioner is that originally the lands comprised in Survey Nos.52, 88, 103/2 and 103/3 situated at Vallancheri Village belonged to the temples viz., Arulmigu KarpagaPillaiar temple, Arulmigu Selli Amman temple and Arulmigu Vembuliamman temple. The patta for the lands comprised in S.Nos.103/2 and 103/3 are stands in the name of the said temples and patta for the lands comprised in S.Nos.52 and 88 are stands in the name of Grammathar. The income generated from the said lands were used for the maintenance of the temples time immemorial. Further, the UDR patta for the said lands were subsequently mutated in the name of the



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second respondent. While so, in the year 2007, the fourth respondent herein connivanced with few local villagers and executed Exchange Deeds in Doc.No.3620/2007 dated 15.03.2007, Doc.No.7844/2007 dated 06.06.2007 and Doc.No.7846/2007 dated 06.06.2007, on the file of the Joint II, SRO, Chengalpattu, in respect of the subject properties, without any sanction from the competent authority. Hence, the petitioner has given a representation dated 26.08.2023 to respondents 1 to 3 along with an application under Section 77-A of the Registration Act, 1908 seeking cancellation of said Exchange Deeds and subsequent deeds registered based on those deeds. However, respondents 1 to 3 have not considered the same till date, and hence, the petitioner is before this Court by filing this writ petition.

4.The learned counsel for the petitioner submitted that originally the subject properties belong to the temples, since the fourth respondent connivanced with the local villagers and trying to sell the subject properties to the third parties,, the petitioner has given a representation to respondents 1 to 3 seeking cancellation of said deeds under Section 77-A of the Act. However, the same has not been considered till date.



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5. On a perusal of the records, it is seen that the petitioner has not impleaded the said temples as party respondents in the writ petition, he has not made any representation before the temples to take action against them, therefore, the petitioner has no *locus standi* to file this writ petition and the same is liable to be dismissed.

6. In the light of the above facts and circumstances, this writ petition shall stand dismissed in-limine. It is open to the petitioner to work out his remedy in the manner known to law. There shall be no order as to costs.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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