



W.P.No.4630 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.4630 of 2014

and

M.P.No.1 of 2014

R.Govindasamy

...Petitioner

-Vs-

1. The District Registrar (West),
Registration Department,
Office of District Collector Salem,
Salem District.
2. The Sub Registrar,
Mecheri, Salem District.
3. The Trustee,
Arulmigu Pillaiyar Thirukoil Mecheri,
Salem District.
- (R3-Impleaded as per Order dated 21.2.2014
by VRSJ in MP.2/14 in WP.4630/2014)
4. The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Salem District.
5. The Tahsildar,
Mettur Taluk, Salem District.



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6. The Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 600001.

(R4 to R6 impleaded vide Order dated 16.03.2023
made in WMP.33580/2018 in WP.4630/2014 by SMSJ) ...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus, calling upon the records of the 1st respondent in and by his proceedings Mu.Mu.No.10130/A1/2013 dated 10.12.2013 and quash the same and consequently directing the 2nd respondent to register the document pending before him in P.31 of 1998.

For Petitioner	: Mr.A.Sundaravadhanan
For Respondents	:
(for R1, R2, & R5)	: Mr.T.Arun Kumar, AGP
(for R4)	: Mr.K.Karthikeyan, Govt.Advocate
(for R3 & R6)	: Not ready in Notice

ORDER

The order passed by the District Registrar, Salem West, in a proceeding dated 10.12.2013, rejecting the appeal preferred by the petitioner is under challenge in the present writ petition.



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2.The petitioner states that he purchased a property in Survey No.241B/10 within the jurisdiction of the 2nd respondent, from V.Selvaraj, P.Vinotha, representing for him and his minor son Vairam and daughter Priya for a valuable consideration. When the sale deed was presented for registration, there was an objection from the Trustee, Arulmigu Pillaiyar Thirukoil, Mecheri, stating that the property to be purchased is belonging to the temple and therefore, the objection was raised before the Sub-Registrar. A Civil Suit was filed by the temple in O.S.No.359 of 1998 on the file of the District Munsif Court, Mettur against the Vendors and the writ petitioners. The Appeal Suit filed against the decree and judgement in OS.No.359 of 1998 was also dismissed in A.S.No.16 of 2006 by the Sub-Court Mettur.

3.This being the factum established and more so the District Collector and the Sub-Registrar are the parties to the Civil litigation, they have verified the revenue records and now filed a counter before this Court stating as under:

“Mr.R.Govindasamy, the petitioner purchased a property in Survey No.241B/10, Mecheri Village, Mettur Taluk, Salem District from one V.Selvaraj, P.Vinotha, V.Salvaraj representing for him and his minor



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son Vairam and daughter Priya through a Sale Deed and the same was presented for registration before this respondent. Since the same was objected by the Trustee, Arulmigu Pillaiyar Thirukoil, Mecheri stating that the said property belongs to temple and had objected for registration of the said Sale Deed. Hence, this respondent verified the records maintaining in the office and found that the said property is mentioned as “Government Land- Other Poramboke lands” and the guideline value for the said property is mentioned as “0” and hence this respondent kept the document pending as P31/1998 and directed the petitioner to produce necessary documents to prove the title of the vendor of the property.

4. When the authorities verified the classification of the property and as per the records it is mentioned as “Government land - Other Poramboke lands” the registration cannot be done by the competent authorities of the registration Department. The claim of the temple itself is in dispute as of now in view of the counter filed by the respondents.

5. That being the factum established, the relief as such sought for in the present writ petition cannot be granted by this Court, since the title itself is in dispute, and more so, the respondents filed a counter affidavit



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stating that the subject land is classified as “Government land - Other Poramboke land” and therefore, if any grievance exists to the petitioner, either against the vendor or otherwise, the petitioner is at liberty to redress his grievances in the manner known to law.

6. Accordingly, the writ petition stands **dismissed**. However there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(sha)

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Index : Yes

Speaking Order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM. J.,

(sha)

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