



W.P.(MD) No.3907 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.3907 of 2020

and

W.M.P(MD)Nos.3302 and 3304 of 2020

S.Jeganathan

... Petitioner

Vs

- 1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Virudhunagar.
- 4.The Sub Registrar,
Veeracholan Registrar Office,
Veeracholan,
Virudhunagar District.
- 5.The Managing Hereditary Trustee,
Arulmighu Muruga Ayyanar Temple,
Thiruchuzhi Taluk,
Virudhunagar District.

... Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent in Na.Ka.1814/2011/Aa2 dated 02.04.2018 and consequential order passed by the fourth respondent by way of refusal cheque slip dated 18.02.2020 and quash the same and consequently, direct the fourth respondent to register the release deed dated 18.02.2020 submitted by the petitioner.

For Petitioner	: Mr.J.Barathan for Mr.C.Vakeeswaran
For R1 to R3	: Mr.R.Baskaran Additional Advocate General Assisted by Mr.P.Subbaraj Special Government Pleader
For R4	: Mr.M.Prakash Additional Government Pleader
For R5	: Mr.S.Madhavan for Mr.M.Karthikeya Venkitachalapathy

ORDER

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent in Na.Ka.1814/2011/Aa2 dated



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02.04.2018 and consequential order passed by the fourth respondent by way of refusal cheque slip dated 18.02.2020 and quash the same and consequently, direct the fourth respondent to register the release deed dated 18.02.2020 submitted by the petitioner.

2. It is the case of the petitioner that the petitioner's sisters have executed a release deed in favour of the petitioner on 18.02.2020 and when the document was presented for registration before the second respondent, the second respondent through his written communication dated 18.02.2020, had refused to register the same on the ground that the property belongs to the fifth respondent temple. The petitioner would submit that they have the title and interest to the property and the same has been confirmed in earlier suit in O.S.Nos.46 of 1855 before the Mufti Sadder Amin Court and later, in a suit in O.S.No.19 of 1924 on the file of the District Munif Court, Madurai, which was later transferred to the Principal Subordinate Judge, Madurai and renumbered as O.S.No.21 of 1926. The same was dismissed and an appeal in A.S.No.267 of 1928 was filed and the same was also dismissed. Thereafter, the revenue had



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granted patta in favour of the petitioner's grandfather Kuppusamy Devar.

3. It is also the case of the petitioner that after the demise of his grandfather Kuppasamy Thevar, the petitioner's father, namely K.Shanmugavel and his brothers had entered into a partition under a deed dated 14.03.1969. Ever since the date of the partition, he and his family members have been in possession of the property. While so, on 18.02.2020, the petitioner's sisters have executed a released deed in favour of the petitioner on 18.02.2020. When the documents were presented for registration, it was returned stating that the lands belonged to the fifth respondent temple. No documents have been produced for scrutiny of the petitioner, despite several reminders. Hence, the present writ petition.

4. Heard the learned counsel appearing on either side.

5. During the course of the enquiry, the learned counsel appearing for the petitioner had submitted that several transactions had taken place



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and all of these had been permitted to be registered. It is only this release deed which is now being questioned and registration denied. Therefore, this Court had directed the petitioner to provide proof that the properties in the survey numbers have been sold and the fifth respondent temple had remained quiet during the registration of the same.

6. The learned counsel for the petitioner had produced the encumbrance today, containing several transactions which would show that several transactions had taken place in respect of the said survey numbers.

7. In the light of the fact that the fifth respondent temple has permitted the portions of the property to be dealt with, this Court therefore has to necessarily allow the writ petition. Accordingly, the order passed by the fourth respondent by way of refusal cheque slip dated 18.02.2020 is quashed and the Writ Petition is allowed with a direction to the fourth respondent to register the release deed dated 18.02.2020, if it is otherwise in order. It is needless to state that this



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registration would be subject to the result of the temple having its right or title established in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

26.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

- 1.The Commissioner,
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Chennai.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sivagangai.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
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- 4.The Sub Registrar,
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Veeracholan,
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P.T.ASHA, J.

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