



WP(MD)No.12966 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.12.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.12966 of 2021

K.Subramanian

...Petitioner

/Vs./

1. Inspector General of Registration,
Office of Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam, Chennai-600028

2. District Registrar,
District Registrar Office,
Collectorate Addl. Building,
Karur Collectorate,
Karur-639007.

3. Sub Registrar,
The Sub Registrar Office,
Govt. Hospital Road,
Melakarur,
Karur-639001.

4. Executive Officer,
Arulmighu Balasubramania Swamy Thirukovil,
Vennaiimalai,
Karur District.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified mandamus, calling for the records relating to the impugned Check Slip No.19/2021 dated 26.04.2021 issued by the 3rd



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respondent, and quash the same and consequently direct the 3rd respondent to register the instruments produced for its registration by the writ petitioner for his property, at Survey No.7, Aandankovil Keelpagam Village, Karur District.

For Petitioner : Ms.N.Krishnaveni

Senior Counsel

for Mr.P.Thiyagarajan

For Respondents : Ms.D.Farjana Ghoushia (R1 to R3)

Special Government Pleader

Mr.S.Madhavan (R4)

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the third respondent dated 26.04.2021 and for a consequential direction to the third respondent to register the documents submitted for registration pertaining to the subject property at Survey No.7, Aandankovil Keelpagam Village, Karur District.

2. The case of the petitioner is that he had purchased various properties including the subject property Survey No.7, Aandankovil Keelpagam Village, Karur District through sale deeds dated 14.06.2002. Pursuant to the same, the name of the petitioner was also mutated in the revenue records. The petitioner had constructed a building and was running his business.



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3. The further case of the petitioner is that the property purchased by him was originally an inam land. The predecessors in title were issued with patta by the settlement Tahsildhar under Section 11 of the Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963. In view of the same, the same has to be treated as title deed to the property and till date, the title is intact and this patta has never been put to challenge.

4. The grievance of the petitioner is that he had offered his property as an additional security to avail credit facilities from Canara Bank. When the deposit of title deeds was presented for registration before the third respondent, the third respondent issued the impugned check slip dated 26.04.2021 by informing the petitioner that a letter has been sent by the fourth respondent not to entertain any document pertaining to the subject property. Aggrieved by the same, the present writ petition has been filed before this Court.

5. The fourth respondent has filed a counter affidavit. The fourth respondent has taken a stand that as per "A" Register, the subject property belongs to the temple namely, Vennimalai Subramaniaswami Temple. In view of the same, the petitioner cannot claim any right or title over the property. It is



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further stated in the counter affidavit that the petitioner is claiming title by virtue of the order passed by the settlement Tahsildar and this order is non-est in the eye of law, since the property in question is a Devadhayam property granted in Inam, which requires to be protected as a beneficiary for the deity of the temple. In view of the same, the fourth respondent has sought for dismissal of this writ petition.

6. The learned Special Government Pleader appearing on behalf of the respondents 1 to 3 submitted that the impugned check slip was issued only based on the letter issued by the fourth respondent and if the petitioner gets No Objection Certificate from the fourth respondent, the third respondent will proceed further to entertain the document and register the same.

7. Heard Ms.N.Krishnaveni, learned counsel appearing for the petitioner, Ms.D.Farjana Ghoushia, learned Special Government Pleader for the respondents 1 to 3 and Mr.S.Madhavan, learned counsel for the fourth respondent.

8. The issue that is involved in the present writ petition is substantially covered by the earlier order that was passed by the Division Bench of this Court



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in WP(MD)No.64 of 2018 dated 23.10.2019. This writ petition was filed by a devotee of Arumighu Balasubramania Swamy Temple, Vennaimalai, with a prayer to remove the encroachments made in the lands belonging to the temple. While dealing with this issue, this Court identified that there are four categories of land and they are as follows:-

“I. The lands standing in the name of the temple but are vacant lands.

II. The lands standing in the name of the temple but with constructions.

III. The lands standing in the name of the temple during 1912 settlement, but settlement pattas were issued during enquiry under Act 30 of 1963 in the name of the individuals.

IV. The lands standing in the name of the temple during 1912 settlement, but revenue pattas were issued during Updating Registry Scheme [UDR] in the name of the individuals.

V. The lands standing in the name of the temple during 1912 settlement, but revenue patts were issued after updating Registry Scheme [UDR] in the name of the individuals.”

9. Insofar as the present case is concerned, the petitioner is claiming right under the settlement patta that was issued by the settlement Tahsildar under Act



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30 of 1963. While dealing with the properties falling under this category, this

Court gave the following directions:-

“Insofar as the third category is concerned, wherein settlement pattas were given in the name of the individuals, the temple has to work out its remedies by filing a suit within a period of three months from the date of receipt of the copy of the order and the same has to be disposed of by the concerned Court within a period of one year thereof. The fourth respondent as well as the Commissioner, Archives and Historical Research Department shall provide all relevant records of the lands in issue to the HR & CE Department within two months from the date of receipt of copy of this order enabling them to initiate a suit as directed.”

10. The learned Senior Counsel appearing on behalf of the petitioner submitted that the fourth respondent has not instituted any suit till date, inspite of the order passed by the Division Bench of this Court in the year 2019. It was therefore contended that the petitioner cannot be made to await endlessly and that the petitioner has to avail additional loan facilities only by depositing the title deeds pertaining to the subject property.



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11. Per contra, the learned counsel appearing for the fourth respondent submitted that the time limit given by this Court was not sufficient for the fourth respondent to collect all the details, since it involved vast extent of land. Therefore, it was contended that third party rights should not be created and if such rights are created, the fourth respondent will be put to further hardship in recovering the lands belonging to the temple.

12. In the considered view of this Court, the Division Bench of this Court has already taken note of the grievance that was expressed by the devotee of the temple and has dealt with the issue elaborately. While doing so, various categories were identified and insofar as the petitioner is concerned, it falls under the third category, where the title is traced from the patta issued by the settlement Tahsildar under Act 30 of 1963.

13. In order to take care of the grievance of the temple, some directions were also issued by this Court, which has been extracted supra. For various reasons, the fourth respondent is not able to institute the suit till date. Hence, persons who are claiming right over the property cannot be made to await endlessly and the stalemate cannot be continued forever. Hence, some via



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media has to be struck by this Court in order to balance the rights of the petitioner as well as the fourth respondent temple.

14. In view of the above, the impugned check slip issued by the third respondent in Check Slip No.19/2021 dated 26.04.2021 is hereby set aside. There shall be a direction to the third respondent to entertain the document presented by the petitioner for registration of deposit of title deeds. This shall be made subject to the result of any suit that may be instituted by the fourth respondent temple. If this safeguard is made, ultimately, as and when the temple succeeds in the suit, any registration of the documents will be subject to such result in the suit. This will take care of the interest of the temple.

15. In the result, this writ petition is allowed in the above terms. No costs.

20.12.2023

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



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TO:-

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1. Inspector General of Registration,
Office of Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam, Chennai-600028
2. District Registrar,
District Registrar Office,
Collectorate Addl. Building,
Karur Collectorate,
Karur-639007.
3. Sub Registrar,
The Sub Registrar Office,
Govt. Hospital Road,
Melakarur,
Karur-639001.



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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.12966 of 2021

Dated:
20.12.2023