



W.P(MD)No.16795 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.16795 of 2014

S.Subramani

...Petitioner

Vs

**1.The Deputy Registrar General,
Madurai.**

**2.The District Registrar,
Palani,
Dindigul (DT)**

**3.The Joint Sub Registrar,
No.1, Joint Sub Registration Office,
Palani,
Dindigul (DT)**

**4.The Tahsildar,
Palani,
Dindigul District.**

**5.The Joint Commissioner /Executive Officer,
HR & CE Department,
Palani Dhandayuthapani Swamy Thirukovil,
Palani, Dindigul District.**

...Respondents



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(R4 is suo motu impleaded vide Court order dated 08.12.2022 by KBJ)

(R5 is impleaded vide Court order dated 17.03.2023 in WMP(MD) No.4133 of 2023 by BPJ)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the third respondent to release the documents in registration Number P200700050 (P50/2007) with regard to survey No.758/5A an extent of 1 acre and 8 cents that was registered by the third respondent office, dated 13.06.2007.

For Petitioner	: Mr.G.Gomathi Sankar
For R1 to R4	: Mr.S.Shaji Bino Special Government Pleader
For R5	: Mr.K.Govindaraj

ORDER

This writ petition was filed for a Mandamus, directing the third respondent to release the document of the petitioner in Document No.P50/2007 with regard to Survey No.758/5A.

2.The case of the petitioner is that he has purchased the property from the legal heirs of one Muniyasamy Naidu, by way of a



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registered document, dated 13.06.2007. However, it was not released in pursuant to the objections raised by the fifth respondent / Palani Dhandayuthapani Swamy Thirukovil, Palani.

3.The petitioner has filed this writ petition in the year 2014 without impleading the Joint Commissioner /Executive Officer, HR & CE Department, Palani Dhandayuthapani Swamy Thirukovil, Palani as a party to this writ petition. On the directions of this Court, the petitioner has filed an application to implead the Temple as a party and this Court has also allowed the same on 17.03.2023.

4.Mr.Govindaraj, learned counsel, who took notice for the fifth respondent has produced a registered document No. 111/1915 stating that the land in Survey No.758 was purchased by the Palani Dhandayuthapani Swamy Thirukovil, Palani, for a sale consideration of Rs.10,000/- and hence the land in Survey No.758 belongs to the Temple.



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5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner claims that though he has purchased the subject property by way of a registered document as early as in the year 2007, the authorities have not released the document based on the objections raised by the fifth respondent/ Palani Dhandayuthapani Swamy Thirukovil, Palani. On the other hand, the temple authorities claim that the subject land was purchased by the temple as per the document No.111/1915, for a sale consideration of Rs.10,000/- and the relevant document has also been produced before this Court. Therefore, this Court cannot decide the issue as to the right and title over the property by exercising its writ jurisdiction.

7.In view of the above, this writ petition is disposed of with a liberty to the petitioner to file a suit before the competent civil



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Court to establish his right over the subject property. Considering the pendency of this writ petition from the year 2014, the concerned civil Court shall entertain the suit without insisting the limitation.

No costs.

20.04.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To

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Madurai.
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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.16795 of 2014

20.04.2023