



WP (MD) No.14111 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.14111 of 2016

1.T.Pappa

2.C.Muniammal

3.U.Sumathi

... Petitioners

Vs

1.The District Registrar,
Palayamkottai,
Tirunelveli.

2.The Sub Registrar,
Melappalayam,
Tirunelveli.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.

... Respondents

[R3 is impleaded vide Court order dated 29.09.2016
in WMP(MD)No.13375 of 2015]

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to return the sale deed of



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the petitioners after registering the same which is relating to Ayan Punja land in Survey No.3349 ad measuring 1 cent, 1 cent and 2.27 cents respectively situated at Keela Veera Ragava Puram Village, Melappalayam Ward AV, Block 61, TS.No.43, Tirunelveli District based on the petitioner's representation dated 26.04.2016.

For petitioner : Mr.T.Selvan

For Respondent : Mr.J.K.Jeyaseelan,
Nos.1 & 2 Government Advocate

For Respondent : Mr.P.Subburaj,
No.3 Special Government Pleader

ORDER

This writ petition has been filed for a writ of mandamus directing the respondents to return the sale deed of this petitioner after registering the same. The petitioners are said to have purchased the lands to an extent of 1 cent, 1 cent and 2.27 cents respectively at Keela Veera Ragava Puram Village, Tirunelveli District from the Administrators of Kalamman Temple, Bharathiyarpuram.

2.The grievance of the petitioner is that the petitioner has approached authority for registering the sale deed and it has been refused to be registered.



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3.The learned Additional Government Pleader appearing for the respondents submits that the properties sought to be registered is a temple land and therefore, the Sub Registrar has passed an order on 28.01.2016 refusing to register the document as per Section 162 of the Registration Act.

4.The learned Counsel for the petitioners submits that as against this order dated 28.01.2016, the petitioners have already filed an appeal before the 1st respondent / the District Registrar on 26.04.2016 and the petitioners have also relied on the acknowledgement card for the same.

5.The respondents are not having any knowledge with regard to the appeal said to have been filed by the petitioners. The respondents in the counter affidavit filed in the year 2016 have not stated anything with regard to the appeal filed by the petitioners.

6.This Court considered the rival submissions and perused the materials placed on record.



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7.The petitioners claim that he has already filed an appeal as against the order passed by the Sub Registrar in the year 2016 and he has also enclosed a copy of the appeal along with the acknowledgement card. However it appears that the appeal said to be filed by the petitioners is not available with the respondents and therefore, the petitioners are permitted to submit a fresh copy along with the copies which are enclosed in the typed set of papers and the same shall be treated as an appeal and the District Registrar shall proceed in accordance with law and dispose of the same within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

09.10.2023

dsk

To

1.The District Registrar,
Palayamkottai,
Tirunelveli.

2.The Sub Registrar,
Melappalayam,
Tirunelveli.

3.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Tirunelveli.



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B.PUGALENDHI, J.

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