



WP(MD)Nos.185 & 186 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP.(MD).Nos.185 & 186 of 2016 and
WMP(MD) Nos.148 & 149 of 2016

WP.(MD).No.185 of 2016:-

R.Alagu Ramesh

... Petitioner

Vs

1.The Sub-Registrar,
Department of Registration,
Aathur,
Dindigul District.

2.The Executive Officer,
A/M Mariamman Temple,
Aathur Village,
Dindigul District.

...Respondents

(R2 is impleaded vide Court order dated 06.03.2023 in WMP(MD) No.2101 of 2023 in WP(MD) No.185 of 2016 by SKRJ)



WP(MD)Nos.185 & 186 of 2016

WP.(MD).No.186 of 2016:-

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S.Uma Rani

... Petitioner

Vs

1.The Sub Registrar,
Department of Registration,
Aathur,
Dindigul District.

2.The Executive Officer,
Arul Mighu Mariamman Temple,
Aathur Village,
Dindigul District.

... Respondents

(R2 is impleaded vide Court order dated 06.03.2023 in WMP(MD) No.2102 of 2023 in WP(MD) No.186 of 2016 by SKRJ)

Prayer in WP(MD)No.185 of 2016: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the respondent in Na.Ka.No.182/2015-1, dated 03.12.2015 and quash the same and to direct the respondent Department to register the pending document No.14/2015 and release the same.



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Prayer in WP(MD)No.186 of 2016: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the respondent in Na.Ka.No.182/2015 dated 03.12.2015 and quash the same and to direct the respondent Department to register the pending document No.13/2015 and release the same.

For Petitioners : Mr.S.Madhavan
For R1 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For R2 : Mr.Thiyagarajan
(In both Wps)

COMMON ORDER

The petitioners claim that they are the owners of the land in S.No.780/1 to an extent of 1.29 cents and in S.No.780/3 to an extent of 66 cents respectively. The patta stands in their name in Patta Nos.1344 and 1703. In order to execute a settlement deed, the petitioners have presented documents for registration before the Sub Registrar, Athur, Dindigul/the first respondent herein on 18.09.2015. However, the same was not registered by referring the objection raised by the Joint



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Commissioner, HR & CE Department, Dindigul. Therefore the petitioners have filed these writ petitions challenging the refusal check slips issued by the first respondent in Na.Ka.No.185/2015-2 and Na.Ka.No.182/2015 dated 03.12.2015 and for a consequential direction to the Sub Registrar to register the documents in Document Nos. 14/2015 and 13/2015.

2.During the course of argument on 09.01.2023, the petitioner's counsel has reported that the Executive Officer of Arul Mighu Mariamman Temple, Aathur Village, Dindigul District is also claiming right over the subject property. Therefore, this Court directed the petitioners to file an impleading petition to implead the above temple as a party to this writ petition in order to decide this issue. Thereafter, this Court, by order dated 06.03.2023 has impleaded the Executive Officer of Arul Mighu Mariamman Temple, Aathur Village, Dindigul District as the second respondent in this writ petition.



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3.The learned counsel appearing for the second respondent submits that the subject property belongs to Arul Mighu Mariamman Temple, Aathur Village, Dindigul District and they are having Registers to show that this is service inam land. However, the patta has been transferred in the name of the petitioners. The learned counsel fairly submits that this patta has been transferred in the name of the petitioners during the settlement proceedings in the year 1976.

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

5.Admittedly, the settlement officer has issued patta in favour of the petitioners for the subject lands, vide Patta Nos.1344 and 1703. In similar circumstances, this Court in ***A.Radhakrishnan Vs the Commissioner of Survey and Settlements***, reported in ***2020 (5) MLJ***



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375 has held that in the event if the settlement patta is in the name of individuals, then the temple has to work out its remedy before the competent civil Court by filing a suit and further direction was issued to the concerned Court to dispose of the suit if any filed within a period of one year from thereon.

6.Since the above ratio laid down by this Court in the above order is squarely applicable to the present case on hand, these writ petitions are disposed of in the following terms:-

- i. There shall be a direction to the first respondent to register the document submitted by the petitioners with the available patta, which has been issued in favour of these petitioners during the settlement proceedings.
- ii. The second respondent temple is at liberty to file a suit within a period of two months from the date of



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receipt of a copy of this order before the competent civil Court.

iii. In the event, if any such suit is filed, the trial Court shall endeavour to conclude the suit independently as expeditiously as possible preferably within a period of one year.

iv. The petitioners as well as his vendor shall co-operate for an early disposal of the suit.

No costs. Consequently, connected Miscellaneous Petitions are closed.

12.10.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes

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To
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- 1.The Sub Registrar,
Department of Registration,
Aathur,
Dindigul District.
- 2.The Executive Officer,
Arul Mighu Mariamman Temple,
Aathur Village,
Dindigul District.



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B.PUGALENDHI, J.

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Common Order made in
WP.(MD).Nos.185 & 186 of 2016 and
WMP(MD) Nos.148 & 149 of 2016

12.10.2023