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W.P.No.2682 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.03.2024

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.2682 of 2024

A.Lathamani

... Petitioner

Versus

1. The Sub Registrar,
Nallur Sub Registrar Office,
Tiruppur.
2. Arulmighu Visweswaraswamy Visalakshiamman
and Subramaniasamy Temple,
represented by its Executive Officer, Nallur,
Tiruppur 641 606.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the first respondent to register the document executed by the petitioner in respect of Survey No.262/1 for an extent of 2.13.50 Hec. of Nallur Village, Tirupur South Taluk, Tirupur District.

For Petitioner : Mr.J.Titus Enock

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader for R1



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Mr.K.Karthikeyan,
Government Advocate (HR&CE) for R2

ORDER

This writ petition has been filed seeking direction to the first respondent to register the document executed by the writ petitioner in respect of Survey No.262/1 for an extent of 2.13.50 Hec. of Nallur Village, Tirupur South Taluk, Tirupur District.

2 Learned counsel for the petitioner would submit that the property in Survey No.262/1 for an extent of 2.13.50 Hec. of Nallur Village, Tirupur South Taluk, Tirupur District, belongs to the writ petitioner and ever since from 1886 the property has been in possession of the petitioner and her predecessors. There are several transactions took place for the very same property and the first respondent without any objections registered all the documents and now when the petitioner presented the document, it was refused to receive. Therefore the petitioner made representation before the first respondent, who in turn issued notice for inquiry, but so far no orders has been passed.



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2.1 Further it is to be noted that the petitioner was issued patta No.2244 and several alienations taken place, but, now, since the second respondent made some objections without even any substance, the first respondent is not registering the document presented by the writ petitioner and has not passed any final orders.

3 Learned Government Advocate (HR & CR) for the second respondent Temple would submit that the subject property is belongs to the Temple. Even though the 1912, RSLR, the lands in T.D.No.221 stands in the name of the Temple, neither the Temple nor HR & CE was party to the proceedings conducted by the Settlement Tahsildar No.II, Gobichettipalayam, for grant of Rytwori Patta and the Temple was unaware of the proceedings and hence the same will not bind the second respondent Temple or HR & CE. Now the Temple came to know about the proceedings and the petitioner is trying to alienate the property belongs to the Temple and hence it filed objections. Further the Temple has also filed civil suit in O.S.No.CFR No.2524 of 2024 before the Principal District Court, Tiruppur.

4 Heard the learned counsel on either side and perused the materials.



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5 From a careful perusal of the materials and the arguments

advanced on either side, it is clear that the dispute is civil in nature and whether the property is belongs to the petitioner or the Temple is a matter of civil dispute, which requires evidence to decide the same. The Writ Court cannot go into the merits of the case and cannot conduct roving enquiry.

6 In view of the above, the writ petition shall stand dismissed. No costs. However the second respondent Temple is directed to take steps to get the suit numbered. The trial Court is directed to take the suit filed by the second respondent Temple on file, if it is otherwise in order and dispose of the same within a period of six months from the date of taking the suit on file.

07.03.2024

Index: Yes/No
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To

1. The Sub Registrar,
Nallur Sub Registrar Office,
Tiruppur.
2. The Principal District Court, Tiruppur.



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P.VELMURUGAN, J.,

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