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W.P.No.2725 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.2725 of 2024

Dr.K.Sampath Kumar

... Petitioner

Vs.

- 1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam, Chennai 600 034.
- 2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Dr.Balasundaram Road,
Coimbatore.
- 3.The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Dr.Balasundaram Road,
Coimbatore.
- 4.The Inspector General of Registration,
No.100, Santhome High Road, Mullima Nagar,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai 600 028.
- 5.The District Registrar,
Collector Office Compound,
State Bank Road,
Coimbatore 641 018.



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6.The Sub-Registrar,
Registrar Office,
Negamam,
Pollachi Taluk.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, seeking for a suitable direction against the third respondent herein to remove the restriction made by the third respondent vide Circular dated 12.07.2012 bearing Na.Ka.No.1250/2011/16A7 which prohibits the 6th respondent to register any transactions with respect to the petitioner's lands situated in S.F.No.478/1A1 and S.F.No.478/2A of Sirukalanthai Village and consequentially direct the respondents 1 to 3 to make the appropriate changes in their records with respect to the lands belonging to Adi Perumal Temple.

For Petitioner : Ms.S.Akila

For Respondents : Mr.N.R.R.Arun Natarajan, SGPfor R1-R3
Mr.V.Ravi, SGP for R5
Mr.Yogesh Kannadasan, SGP for R4 & R6

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the third respondent to remove the restriction made by the third respondent vide Circular dated 12.07.2012 bearing Na.Ka.No.1250/2011/16A7 which prohibits the 6th respondent to



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register any transactions with respect to the petitioner's lands situated in S.F.No.478/1A1 and S.F.No.478/2A of Sirukalanthai Village and consequentially direct the respondents 1 to 3 to make the appropriate changes in their records with respect to the lands belonging to Adi Perumal Temple.

2. Heard Ms.S.Akila, learned counsel for the petitioner, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader for the respondents 1 to 3, Mr.V.Ravi, learned Special Government Pleader for R5 and Mr.Yogesh Kannadasan, learned Special Government Pleader for R4 & R6.

3. The learned counsel for the petitioner submitted that the lands comprising in S.No.478 belongs to the petitioner and the temple. In pursuant to that, a sub-division has been made and as per the sub-division, a part of the land in S.No.478/1A1 & 2A was allotted to the petitioner. The lands in sub-divided S.No.478/1A2, 478/2B1 were given in the name of the temple. As per the FMB, the above sub-divided lands



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belong to the petitioner and the lands of the temple are on the northern and southern sides respectively.

4. It is submitted by the learned counsel for the petitioner that in pursuant to the proceedings of the third respondent dated 12.07.2012 issued to the Sub-Registrar, it has been wrongly mentioned that the entire lands in S.No.478 belongs to the temple and consequent to that, the impugned circular has also been issued by preventing the 6th respondent to register any document pertaining to lands in S.No.478/1A1, 478/2A. It is further submitted that a civil suit has also been instituted in this regard by the petitioner and he had obtained a decree and it has attained finality. Since the circular had prevented the petitioner's right to deal with the property belonging to him, he has filed this Writ Petition seeking the above relief.

5. The learned Special Government Pleader for the respondents 1 to 3 submitted that the whole of the land in S.No.478 has been given as a grant to the temple prior to the year 1968 itself and in this regard, the



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settlement Tahsildar has issued an order dated 07.10.1968. The petitioner claims title to the property by virtue of a sale deed obtained by him from one Damodaran. According to the learned Special Government Pleader, Damodaran is a hereditary poosari and he has been given with only ryotwari patta and he got no title to encumber the property by way of effecting sale deed in favour of the third party.

6. Even though the suit has been filed by the petitioner in O.S.No.590 of 1987 before the District Munsif Court, Pollachi and a decree has been obtained, the respondents 1 to 3 were not impleaded as parties to the above proceedings. So it is claimed by the respondents that the above decree will not bind the interest of the temple. The attention of this Court was also drawn to Section 22A of the Registration Act and submitted that in case any restrictions is placed for registering the documents in respect of any land, the affected party can only approach the Sub-Registrar by raising objection under Section 22A of the Registration Act and seek appropriate order after an enquiry has been conducted by the Sub-Registrar.



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7. The learned counsel for the petitioner submitted that a representation has also been made in this regard and the same is pending with the Sub-Registrar.

8. Since the petitioner's representation is pending before the Sub-Registrar, all contentious matters are left open to be made before the Sub-Registrar in order to enable him to conduct enquiry under Section 22A of the Act.

9. In view of the above discussion, this Writ Petition is disposed and the sixth respondent is directed to hold an enquiry under Section 22A of the Act on the representation given by the petitioner after giving notice to the respondents 1 to 3 and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No costs.

08.02.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No



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R.N.MANJULA, J.

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