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W.P. No.24475 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2024

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.24475 of 2013

A. Palanisamy

... Petitioner

Versus

1. The Commissioner,
Hindu Religious and
Charitable Endowment Department,
Nungambakkam,
Chennai – 34.

2. The Sub Registrar,
Nallur Sub Registrar Office,
Nallur,
Tiruppur District.

3. The Executive Officer,
Arulmigu Visveswaraswamy
Visalakshi Amman Subramaniswamy Temple,
Nallur,
Tiruppur Taluk and District.

4. The Executive Officer,
Arulmigu Angalamman Temple,
Nallur,
Tiruppur Taluk and District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue Writ of Certiorarified Mandamus calling for the entire records
relating to the impugned order passed by the 2nd respondent in his



W.P. No.24475 of 2013

proceedings No. Nil, dated 19.08.2013 and quash the same and consequently directing the 2nd respondent to receive the Sale Deed dated 19.08.2013 and register the same.

For Petitioner	: Mr.C. Prakasam
For Respondents	: Mr.NRR. Arun Natarajan Spl. Govt. Pleader for R1 & R2 Mr.K. Ashok Kumar for R3 & R4

ORDER

This writ petition has been filed seeking for quashment of the Proceedings, dated 19.08.2013 passed by the 2nd respondent.

2. It is stated that the petitioner purchased land to the extent of 3.27 acres situated in S. Nos.256 and 584, Nallur Village, Tiruppur Taluk and District from Nallimuthu Gounder from the vendor. Hence, he presented the Sale Deed before the 2nd respondent for registration of the sale deed in his favour. When that be so, the 2nd respondent passed the impugned Proceedings, dated 19.08.2013 whereby the registration of Sale Deed in favour of the petitioner was rejected with a direction to the petitioner to obtain prior permission from the 1st respondent. Challenging the same, this writ petition has been filed.

3. Learned counsel for the petitioner submitted that the subject properties belong to the petitioner's vendor's predecessor and they are in possession and enjoyment of the same from 1890 onwards. He further



W.P. No.24475 of 2013

submitted that the title of the properties stood in the names of the vendor's predecessor and they were duly registered, vide document No.1407 of 1890 on the file of the Sub Registrar, Palladam and document No.231 of 1894 on the file of Sub Registrar Office, Tiruppur respectively. Without any documents or without furnishing any details, the 3rd and 4th respondents are claiming title over the subject properties. Hence, he vehemently contended that the 2nd respondent does not have any power to decide the title, as the temple authorities have not produced any documents in support of the claim over the said properties. It is his further contention that without assigning proper reasons, the impugned proceedings has been issued by the 2nd respondent / registering authority, which is not sustainable and sought for quashment of the said proceedings.

4. Per contra, Mr.Arun Natarajan, learned Special Government Pleader appearing for the respondents 1 and 2 submitted that as per entries found in the "A" Register, 3rd and 4th respondents temple are the absolute owners of the subject properties and mere registration of documents by the petitioner's vendors cannot confer any title. He further submitted that objections were received from the 3rd and 4th respondents for registration of Sale Deed in favour of the petitioner in respect of the said properties. Hence, the Proceedings of the 2nd respondent, rejecting the



W.P. No.24475 of 2013

request of the petitioner for registration of the sale Deed in his favour, is sustainable and warrants no interference of this Court.

5. Reiterating the contents of the counter affidavit, Mr.K. Ashok Kumar, learned counsel for the respondents 3 and 4 submitted that the petitioner's vendor's predecessor cannot claim right over the properties, since the whole properties were vested only with the said temples by way of Devadayam Inam granted by the King of Mysore, vide T.D. No.11387/1864 in favour of the said Visweswaraswamy Temple and T.D. No.31/1864 in favour of Angalamman Temple. He submitted behind the back of the temple authorities, who are the original owners of the properties, the alleged Sale Deeds were registered in favour of the petitioner's vendor's predecessor and it is his stand that the subject properties cannot be alienated to any persons. Hence, he submitted that the Proceedings, impugned herein is legally sustainable and prays for dismissal of the writ petition.

6. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

7. On a bare perusal, it reveals that the petitioner's vendor are claiming title over the subject properties, whereas on the other hand, the



W.P. No.24475 of 2013

title was claimed by the respondents 3 and 4 temple. Based on the objections raised by the respondents 3 and 4, the Proceedings, which is impugned herein was passed by the 2nd respondent. It is to be noted that there are disputed questions of fact involved, which can be adjudicated before the competent Civil Court. Since there are disputed questions of fact, it cannot be decided by way of filing this writ petition under Article 226 of the Constitution of India.

8. Considering the nature of the dispute involved and the submissions made by the learned counsels on either side, this Court, without interfering the order impugned order, disposes of the writ petition by permitting the petitioner to represent his grievances before the competent Civil Court. Liberty is granted to the parties to work out their remedy in the manner known to law.

9. With the aforesaid direction, this writ petition is disposed of. No costs.

29.08.2024

Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2



W.P. No.24475 of 2013

To

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W.P. No.24475 of 2013

M.DHANDAPANI, J.

vsi2

W.P. No.24475 of 2013

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