



WEB COPY



W.P.No.9519 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.9519 of 2014
and
M.P.Nos.1 & 2 of 2014

K.N.Balu

... Petitioner

Vs.

1.The Executive Officer,
Arulmigu Visuvaesuvara Swamy Visalakshi Amman
Subramania Swamy Temples,
Nallur, Pichampalayam,
Gandhi Nagar Post,
Tiruppur.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.Nil, dated 11.10.2013 and quash the same and consequently, direct the 2nd respondent to receive the documents produced by the petitioner and register the same after receipt of the stamp duty.



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For Petitioner : Mr.C.Prakasam
For Respondents : Mr.K.Ashok Kumar [R1]
Mr.L.S.M.Hasan Fizal
Additional Government Pleader [R2]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.Nil, dated 11.10.2013 and quash the same and consequently, direct the 2nd respondent to receive the documents produced by the petitioner and register the same after receipt of the stamp duty.

2. The case of the petitioner is that, he is the owner of the land situated in S.No.164/2, Nallur Village, Tiruppur District to the extent of 2.58 acres of land and for the said land, originally Ryotwari Patta has been granted by the settlement Tahsildar in favour of the his grand father Palanisamy Gounder as per proceedings in S.R.No.654/68/M.I.Act Palladam Taluk, dated 14.03.1974. After demise of his grand father and his father Nachimuthu Gounder, mother and sister of the petitioner have executed a registered release deed in favour of the petitioner and



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thereafter, he was in possession and enjoyment of the said land. For that land, in the revenue record, his name has been found and patta was also issued in his favour and he is paying the Kist to the revenue department. When he decided to sell the same, he approached the 2nd respondent for registering the documents, however, the 2nd respondent informed him that he received communication from the 1st respondent whereby informed him that the 1st respondent directed the 2nd respondent not to register any documents in respect of the above said land, since the 1st respondent claim rights over the same. In this connection, the 2nd respondent had furnished the copy of the said communication dated 11.10.2013. Challenging the same, the petitioner has filed the above writ petition before this court.

3. Learned counsel for the petitioner submits that, the 1st respondent have no power to issue such a direction to the 2nd respondent unless there is an executable order as against the 1st respondent for entertaining the order. In the present case, without any prohibiting order, the 1st respondent have no right to issue such a direction to the 2nd respondent, which is *per se* unsustainable. Accordingly, he prays for appropriate orders.



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4. Learned counsel appearing for the 1st respondent submitted that, the said land belongs to Arulmigu Visuvaesuvara Swamy Visalakshi Amman and Subramania Swamy Temples, however, inadvertently, the Ryotwari Patta was granted in favour of one Palanisamy Gounder and as against which, the 1st respondent temple preferred an appeal before the Inam Tribunal in C.M.A.No.6 of 2014 and the same is pending. If at all the petitioner has any grievance, he has to file impleading petition in C.M.A.No.6 of 2014.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. It is claimed by the petitioner that he is the owner of the above land and for the said land, Ryotwari Patta was granted in favour of his grand father by the Settlement Tahsildar. After the demise of his grand father and his father, petitioner's mother and sister executed Release Deed in favour of the petitioner. Thereafter, when he decided to sell land, he informed by the 2nd respondent that the 1st respondent directed the 2nd respondent not to register any document in respect of the above land vide



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communication dated 11.10.2013. It is pertinent to note that by virtue of the order passed by the settlement Tahsildar dated 14.10.1974, the petitioner is claiming title of the said land. However, it is claimed by the 1st respondent that as against the said order, the 1st respondent has preferred an appeal in C.M.A.No.6 of 2014 and the same is pending before the Inam Tribunal. In view of the above, the prayer sought for by the petitioner cannot be granted and this writ petition is liable to be dismissed.

7. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to workout the remedy before the Inam Tribunal for impleading himself as a party in C.M.A.No.6 of 2014. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

sp

To

- 1.The Executive Officer,
Arulmigu Visuvaesuvara Swamy Visalakshi Amman
Subramania Swamy Temples,
Nallur, Pichampalayam,
Gandhi Nagar Post,
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- 2.The Sub Registrar,
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