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WP.No.36214 of 2024

In the High Court of Judicature at Madras

Dated : 04.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36214 of 2024

1.V.Purushothaman

2.V.Vasudevan

3.V.Harigopal

...Petitioners

Vs

1.The Sub-Registrar, Palladam,
Tirupur District-641664.

2.The Commissioner, Hindu
Religious and Charitable
Endowment Department,
Uttamar Gandhi Salai,
Nungambakkam, Chennai-34.

3.The Joint Commissioner, Hindu
Religious & Charitable Endowment
Department, Coimbatore-18.

4.Arulmigu Vinayagar Thirukoil,
Jallipatti rep.by its Fit Person/
Executive Officer

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in his order dated 19.8.2024 in refusal No.RFL/Palladam/31/2024, quash the order dated 19.8.2024 and consequently direct the first respondent to register the supplemental



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memorandum of deposit of title deeds dated 05.8.2024 executed by the petitioners in favour of the State Bank of India, Palladam Branch in respect of the lands measuring 4.44 acres in S.No.503/1; 4.91 acres in S.No.503/2 and 1.3 cents in S.No.504/2, Kethanur Village, Palladam Taluk, Tirupur District.

For Petitioners	:	Mr.Sivavarthanan
For R1	:	Mr.Shahjahan, SGP
For R2 to R4	:	Mr.N.R.R.Arun Natarajan, SGP (HR & CE)

ORDER

Challenging the order passed by the first respondent dated 19.8.2024 in RFL/Palladam/31/2024 and to issue a direction to the first respondent to register the supplemental memorandum of deposit of title deeds dated 05.8.2024, the petitioners are before this Court.

2. Heard the learned counsel for the petitioners, the learned Special Government Pleader accepting notice for the first respondent and the learned Special Government Pleader (HR & CE) accepting notice for respondents 2 to 4.

3. The case of the petitioners are as follows :



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(i) The petitioners are brothers. On 17.10.1968, the Settlement Tahsildar No.2, Gobichettipalayam granted a ryotwari patta in respect of survey No.503/1 to one Mrs.Mangammal, who is the grandmother of one Mrs.Santha Lakshmi's husband - one Mr.A.K.V.Ramraj and survey No.503/2 in respect of the fourth respondent. At the instance of the said Mrs.Santha Lakshmi and the said Mrs.Mangammal, on appeal as against the said order dated 17.10.1968, the Minor Inams Tribunal, Coimbatore ruled in favour of them by order dated 31.1.1972 and set aside the said order dated 17.10.1968 with a further direction to the Settlement Tahsildar-2, Gobichettipalayam to issue patta to them for an extent of 5.30 acres each in survey Nos.503/1 and 503/2. There is no further appeal against the said order dated 31.1.1972.

(ii) Thereafter, in compliance of the said order of the Minor Inams Tribunal, Coimbatore dated 31.1.1972, the Tahsildar had issued patta to the said Mrs.Santha Lakshmi in patta No.180 on 29.2.1996 by recognizing her ownership in both survey Nos.503/1 and 503/2. Thereafter, the petitioners purchased an extent of acres 4.44 cents in survey No.503/1 under a sale deed dated 18.2.2002 vide doc.No.785 of 2002 on the file of the first respondent. The third petitioner also purchased from the said Mrs.Santha Lakshmi an extent of acres 4.91 cents in survey No.503/2 and another extent of acre 1.30 cents in survey No.504/2 from the said Mrs.Santha Lakshmi under a sale deed



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dated 18.2.2002 registered as doc.No.786 of 2022 on the file of the first respondent.

(iii) Later, the petitioners executed a gift deed on 19.11.2002 in favour of Kethanur Village Panchayat registered as doc.No.4556 of 2002 on the file of the same Sub-Registrar in respect of (i) S.No.503/1 measuring 86 cents; and (ii) S.No.503/2 measuring 39 cents. The petitioners have been dealing with the remaining properties as absolute owners. Further in between 2011 and 2021, a series of equitable mortgages had been created in favour of the State Bank of India, Palladam Branch covering the credit facilities and registered on the file of the first respondent.

(iv) All of a sudden, in 2023, the fourth respondent raised an objection claiming ownership of the subject lands. At the instance of the petitioners, an inquiry was conducted in the year 2023 by the first respondent, in which, they also appeared and produced all documents. Once again, when the petitioners presented a new supplemental memorandum of deposit of title deeds on 05.8.2024, the first respondent refused to register the same. Challenging the same, the petitioners are before this Court.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on



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record and more particularly the impugned order.

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5. The argument put forth by the learned Special Government Pleader appearing for respondents 2 to 4 that the subject properties belong to the fourth respondent - temple cannot be accepted in the light of the orders passed by the Minor Inams Tribunal, Coimbatore even in the year 1972. Having registered the supplemental memoranda of deposit of title deeds earlier at various point of time, it does not lie in the mouth of the first respondent now refusing to register the supplemental memorandum of deposit of title deeds presented on 05.8.2024 on the ground that the fourth respondent raised an objection.

6. In the light of the above, the writ petition is allowed, the impugned order is set aside and the first respondent is directed to register the document presented by the petitioner within a period of two weeks from the date of its representation. No costs.

04.12.2024

RS



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P.T.ASHA,J

RS

To

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Endowment Department,
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