



W.P.No.33734 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.33734 of 2019

N.Sumathi

... Petitioner

Vs.

1.The Sub Registrar Joint II,
Tirupur,
Tirupur District.

2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirupur Taluk and District.

3.The Executive Officer,
Arulmigu Visweswarasamy and
Veeraragava Perumal Temple,
Tirupur Taluk and District.

(R3 impleaded as per order dated 06.01.2020
made in WMP.No.280/2020 in
W.P.No.33734/2019 by PDAJ)

4.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Tirupur Taluk and District.

... Respondents

(R4 is *suo motu* impleaded as per order dated 29.07.2024
in W.P.No.33734/2019 by JSNPJ)



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the 1st respondent to receive the sale deed presented by the petitioner and register the same within the time period stipulated by this Court.

For Petitioner : Mr.V.K.Vengadesh Durai Raja
for Mr.K.S.Kaviarasu

For Respondents : Mr.P.Ananda Kumar
Government Advocate
for R1
Mr.S.Ravichandran
Additional Government Pleader
for R2 to R4

ORDER

This Writ Petition has been filed seeking for issuance of a Mandamus to direct the 1st respondent to receive the sale deed presented by the petitioner and to register the same.

2. The case of the petitioner is that the petitioner had purchased an immovable property of land measuring to an extent of 4800 sq.ft., site Nos.22 and 23, comprised in Old S.F.Nos.129 and 131, New S.F.No.118, Block No.2, Ward No.L, situated at Site No.29, Sengunthapuram 3rd Street, Tirupur from his



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vendor Mr.A.Ganapathy for a valuable sale consideration of Rs.32,18,000/-.

The sale deed presented in pursuance to the said alienation before the first respondent after paying necessary registration charges on 06.03.2019. It is pertinent to state that though the instrument was duly stamped and all the necessary charges were paid, the first respondent refused to register the document and returned the same to the petitioner on the same day. Thereafter, the petitioner was informed that the document will not be registered. The first respondent has rejected the document stating reason that the HR&CE department made objections and nothing was explained to the petitioner and there was no proper response from the second respondent also.

3. The second respondent made a requisition not to entertain any conveyance registration in respect of the above said properties, as it was a temple property and no individual possess any right or marketable title over the same. It is pertinent to state that the 1st respondent without conducting any enquiry, refused to reject the petitioner's document and returned the same to him even after the payment of the stamp duty. Thereafter, the petitioner had approached the first respondent and placed all the documents pertaining to the property and requested to register the documents.



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6. Learned counsel for the petitioner submitted that the petitioner is willing to submit a representation to the second respondent and the same may be considered after conducting proper and detail enquiry.

7. Learned Additional Government Pleader appearing for the second to fourth respondents submitted that the competent authority to consider the representation of the petitioner is the Joint Commissioner, Hindu Religious and Charitable Endowments Department, Tirupur District and is a necessary party to be impleaded as fourth respondent in this writ petition accordingly he is *suo motu* impleaded as the fourth respondent by this Court.

8. Learned Additional Government Pleader appearing for the second to fourth respondents further submitted a written instructions from the Executive Officer of Arulmigu Visweswarasamy and Veeraragava Perumal Temple, Tirupur Taluk and District, in which, it is stated that the subject matter of land to the extent of 8.26 acres in S.No.129 and in the Revenue Records which is mentioned that the land belongs to Veeraragava Perumal Temple represented by temporary Archagar Tirumalaisamy Aiyyan S/o.Krishnaiyyan.



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9. The petitioner is directed to give a representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same the fourth respondent shall consider and conduct a detailed enquiry after giving notice to both parties, opportunity of personal hearing, to consider the documents submitted by both parties, on merits, in accordance with law and pass appropriate orders by following the above principles of natural justice, within a period of six weeks thereof.

10. In the result, this Writ Petition is disposed of with the above observations and directions. No costs.

29.07.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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- 3.The Executive Officer,
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