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WP.No.37965 of 2024

In the High Court of Judicature at Madras

Dated : 20.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.37965 of 2024 &
WMP.No.41051 of 2024

C.Kaliyappan

...Petitioner

Vs

1.The Inspector General of
Registration, 120, Santhome
High Road, Chennai-28.

2.The District Revenue Officer,
Office of the District Revenue
Officer, Salem.

3.The Joint Commissioner,
HR & CE Department,
Salem.

4.The District Registrar,
Office of the District Collector,
Salem-1.

5.The Sub-Registrar, Omalur
Sub-Registrar Office,
Omalur, Salem District.

6.The Executive Officer,
Arulmigu Sendraya Perumal
Thirukoil, Omalur Taluk,
Salem District.

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Mandamus directing respondents 1, 4 and



WP.No.37965 of 2024

5 to consider the petitioner's representation dated 16.8.2023 and consequently recall the ban imposed on registration of deeds of conveyance over the petitioner's property comprised in survey No. 14/7B of Vellakalpatti Village, Omalur Taluk, Salem District vide letter in Na.Ka.No.9831/98 A3 dated 15.3.2002 issued by the third respondent.

For Petitioner	:	Mr.E.J.Ayyappan
For R1, R2, R4 & R5	:	Mr.C.Sathish, GA
For R3 & R6	:	Mr.S.Ravichandran, AGP (HR & CE)

ORDER

The petitioner seeks a Mandamus to respondents 1, 4 and 5 to consider his representation dated 16.8.2023 and to recall the ban imposed pursuant to the proceedings of the third respondent dated 15.3.2002 on the registration of the deeds of conveyance over the petitioner's property comprised in S.No.14/7B of Vellakalpatti Village, Omalur Taluk, Salem District.

2. Heard the learned counsel for the petitioner, the learned Government Advocate accepting notice for respondents 1, 2, 4 and 5 and the learned Additional Government Pleader (HR & CE) accepting notice for respondents 3 and 6.



WP.No.37965 of 2024

3. The brief facts, which culminated in the filing of this writ petition, are as follows :

(i) Originally, the property comprised in S.No.14/7B of Vellakalpatti belonged to the ancestors of one Mr.Soundararaja Mudaliar, who owned extensive lands in many villages of Omalur Taluk including the subject property. The said Mr.Soundararaja Mudaliar got a share out of the family properties under two partition deeds of the years 1900 and 1925 after excluding certain lands from the partition and assigning for charitable purpose and temple celebrations. Thereafter, the said Mr.Soundararaja Mudaliar and his family members sold some patta lands to third parties including the subject property, which are agricultural patta lands totally measuring 85 cents comprised in S.No.14/7B to one Mr.Vellaiya Gounder vide sale deed dated 17.8.1973 registered as doc.No.2134 of 1973.

(ii) Later, the subject property was sold to the vendors of the petitioner vide sale deed dated 06.9.1984 registered as doc.No.2415 of 1984 on the file of the Joint No.1 Sub-Registrar, Salem. Thereafter, the petitioner purchased the said property vide sale deed dated 10.2.1994 registered as doc.No.251 of 1994 on the file of the Sub-Registrar, Omalur from the said Mr.Krishnamurthi and two others. Ever since the date of purchase, the petitioner has been in possession and enjoyment of the said property.



WP.No.37965 of 2024

(iii) Since there was a dispute with regard to the lands endowed for charitable purposes and temple celebrations, an inquiry was conducted by a retired Deputy Collector so as to identify the temple lands. Pursuant to that, the retired Deputy Collector submitted a report dated 10.8.2005 to the Commissioner, HR & CE Department, Chennai-34 declaring that many properties were assigned to temples in Omalur Taluk solely based upon the averments in the family partition deeds of the year 1900 and 1925. The grievance of the petitioner is that he has not made any field inspection. Even though the report dated 10.8.2025 was not available in the office of the Joint Commissioner, HR & CE, Salem and in the office of the Commissioner, HR & CE, Chennai, the Executive Officer in charge of the temples in Omalur Taluk filed several suits against the patta holders on the ground that many of the properties were endowed to Arulmigu Sendraya Perumal Swamy Temple, Omalur.

(iv) Meanwhile, by letter dated 15.3.2002, the third respondent issued a general direction to respondents 4 and 5 not to register any deed of conveyance comprised in different survey numbers of Vellakalpatti Revenue Village, Omalur Taluk, Salem District on the ground that those properties belonged to the sixth respondent temple. Based on the said letter of the third respondent dated 15.3.2002, the fifth respondent repeatedly refused to register the deeds of



WP.No.37965 of 2024

conveyance for the lands comprised in S.Nos.13 and 14 of Vellakalpatti Village, Omalur Taluk from 2002 onwards.

(v) At a later point of time, one Mr.A.Radhakrishnan, trustee of Arulmigu Sugavaneswarar Swamy Temple, Salem Town filed W.P.No. 2730 of 2017 before this Court seeking a direction to respondents 4 to 7 therein namely (i) the Assistant Director, Survey & Settlements, Salem-1, (ii) the Tahsildar, Omalur Taluk, Salem District, (iii) the Special Tahsildar, Temple Lands, Arulmigu Kottai Mariamman Temple Campus, Salem-1 and (iv) the Deputy Superintendent of Police, Omalur, Salem District to implement the proceedings of respondents 1 and 2 therein namely the District Collector, Salem and the Sub-Divisional Executive Magistrate/Sub-Collector, Mettur, Salem District respectively dated 18.10.2016 and 01.11.2016. The said writ petition was disposed of on 06.12.2021 by a learned Single Judge of this Court directing the second respondent to consider and pass orders on the appeals filed by the Assistant Commissioner/Executive Officer of Arulmigu Sugavaneswarar Swamy Temple after giving an opportunity to the petitioner therein - the said Mr.A.Radhakrishnan and the counter parties within twelve weeks.

(vi) Pursuant to that, vide proceedings dated 10.7.2023, the second respondent conducted an inquiry and gave her findings. The second respondent, who conducted the inquiry, clearly opined that the



WP.No.37965 of 2024

A-Register and the other records stood in the name of the said Mr.Soundararaja Mudaliar. The second respondent further went on to hold that though the subject lands have been recorded in the name of the said Mr.Soundararaja Mudaliar, there was nothing to show about the details of the lands sold before they were brought under the control of the Hindu Religious and Charitable Endowment (HR & CE) Department . However, despite holding that the HR & CE Department has not proved their title or possession to the subject property, the second respondent directed the HR & CE Department to approach the competent civil court.

(vii) As a consequence, the petitioner and six others sent the representation dated 16.8.2023 to respondents 1 and 3 to 5 and also to the Commissioner, HR & CE Department, Nungambakkam, Chennai-24 seeking to recall the ban imposed on the registration of deeds of conveyance over the subject property. As it did not evoke any response, the writ petition has been filed.

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

5. This Court is of the considered opinion that once the second



WP.No.37965 of 2024

respondent had come to a definite conclusion after detailed adjudication that the person, who has sought to have the ban imposed namely the HR & CE Department had not produced any shred of evidence to prove their right, title and interest to the subject property and as it has been held by the second respondent that the HR & CE Department failed to prove their title to the subject property, the first respondent ought to have directed respondents 4 and 5 to remove the ban on registration and further directed them to register the deeds of conveyance in respect of S.No.14/7B. As it has not been done, this Court has no other option except to allow this writ petition.

6. Accordingly, the writ petition is allowed and a Mandamus is issued to first respondent to consider the representation of the petitioner and six others dated 16.8.2023 to recall the ban imposed pursuant to the proceedings of the third respondent dated 15.3.2002 on the registration of deeds of conveyance in respect of the property in S.No.14/7B of Vellakalpatti Village, Omalur Taluk, Salem District and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected WMP is closed.

20.12.2024



WEB COPY



WP.No.37965 of 2024

P.T.ASHA,J

RS

To

- 1.The Inspector General of
Registration, 120, Santhome
High Road, Chennai-28.
- 2.The District Revenue Officer,
Salem.
- 3.The Joint Commissioner,
HR & CE Department, Salem.
- 4.The District Registrar, Office
of the District Collector, Salem-1.
- 5.The Sub-Registrar,
Omalur, Salem District.
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