



W.P(MD)No.4028 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.4028 of 2024

1.L.Krishnasamy
2.K.Indra Gandhi
3.K.Ramesh Kumar
4.T.Mayilmurugan
5.Mangayarkarasu
6.Vicas
7.Minor Selvaganapathi

... Petitioners

Vs

1.The Inspector General of Registration,
Door No.100, Santhome High Road,
Foreshore Estate,
Pattinapakkam,
Chennai – 600 028.

2.The District Registrar (Administration),
Madurai.

3.The Sub Registrar,
Thirupparankundram,
Madurai.

4.The Joint Commissioner,
Arulmigu Subramaniaswamy Temple,
Thirupparankundram,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the third respondent to register the documents pertaining to the subject properties in Plot Nos.31, 32, 33, 34, 35, 37, 38 and 39 in Resurvey Nos.21/3,



W.P(MD)No.4028 of 2024

22/3 and 22/4 in Thirupparankundram Village, Madurai South Taluk,
Madurai District.

For Petitioner : Mr.J.Barathan
For RR 1 to 3 : Mr.S.P.Maharajan
Special Government Pleader
For R – 4 : Mr.V.Chandrasekar

ORDER

This Writ Petition has been filed for a direction, directing the third respondent to register the documents pertaining to the subject properties in Plot Nos.31, 32, 33, 34, 35, 37, 38 and 39 in Resurvey Nos.21/3, 22/3 and 22/4 situated at Thirupparankundram Village, Madurai South Taluk, Madurai District.

2.The property comprised in R.Survey No.21/3 admeasuring 82 cents, Resurvey No.22/3 admeasuring 1 acre 36 cents and the land comprised in Survey No.22/4 measuring 56 cents situated at Thirupparankundram Village, Madurai South Taluk, Madurai District were laid out into house sites. The petitioners 1 to 4 herein and one Ravichandran had purchased house Plot Nos.31 to 35 & 37 to 39 by registered sale deed dated 28.10.2010 vide Document No.4918 of 2010. Their vendors had purchased the respective plots by the registered sale deeds. The entire subject



W.P(MD)No.4028 of 2024

property was originally owned by Dr.Lalitha Kameswaran and from whom the vendors had purchased the subject property. The said Dr.Lalitha Kameswaran and others purchased the subject property by registered sale deed dated 25.11.1972 vide Document No.1326 of 1972. She obtained the said property under a family settlement deed, dated 04.03.1960 registered vide Document No.965 of 1960. In fact, the property comprised in very same survey number has already been dealt with by this Court in **W.P(MD)No.8751 of 2023, dated 30.08.2024 (S.Kubesala and others Vs. The Inspector General of Registration and others)** and passed orders as follows:

'6.The learned counsel appearing for the petitioners would submit that originally, the proceedings under Act 30 of 1963 was initiated and patta was granted in favour of one Lalitha Kameswaran. The same has been challenged before the Tribunal in C.M.A.No.60 of 1968. The said C.M.A. was allowed and the matter was once again remitted to the Settlement Officer for fresh consideration. Thereafter, once again, after enquiry, patta has been granted to the said Lalitha Kameswaran. Challenging the said order of granting patta, once again C.M.A. has been filed in C.M.A.No.762 of 1969, which has also been dismissed. Thereby, the proceedings has been reached finality. Now the temple has no right to



question the title. To buttress this submission, all the proceedings are produced before this Court.

7. This factual aspect has not been disputed by the respondents neither in the counter nor in the submissions.

8. Heard the learned counsel appearing for the petitioners, the learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the 4th respondent and perused the materials available on record.

9. On a perusal of the order passed by the Tribunal in C.M.A.No.762 of 1969, it is seen that patta issued in favour of Lalitha Kameswaran has been confirmed. The amount as directed has also been paid as seen from the proceedings of the Tahsildar dated 16.09.1971. Therefore, now the fourth respondent temple cannot claim ownership merely on the basis of the objection given before the authorities. Be that as it may, it is relevant to note that the Division Bench of this Court, in the case of *Sudha Ravikumar v The Special Commissioner* reported in AIR 2017 Mad 203, held as follows:

"the registering authority is not bestowed with any quasijudicial function to hold a roving enquiry in respect of the title to the property. But he has to hold a summary enquiry for the limited purpose of satisfying himself that the document deserves to be registered. Such enquiry is neither judicial nor quasi-judicial."



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W.P(MD)No.4028 of 2024

10. Following the same, this Court in *Subramani Vs. 1.The SubRegistrar, Office of the Sub-Registrar, Rasipuram. 2. The Inspector General of Registration, Chennai*, has held as follows:

"20. It is relevant to note that many registration has been refused citing Section 22-A on the only ground that some requests are made by Hindu Religious and Charitable Endowments Board or the Waqf Board. It is relevant to note that the Division Bench of this Court in the case of Sudha Ravikumar v The Special Commissioner reported in AIR 2017 Mad 203, wherein, it is held as follows:

"the registering authority is not bestowed with any quasi judicial function to hold a roving enquiry in respect of the title to the property. But he has to hold a summary enquiry for the limited purpose of satisfying himself that the document deserves to be registered. Such enquiry is neither judicial nor quasi-judicial."

21. Similarly, this Court in the case of *D. Kalaiyaran v Inspector General* reported in (2018 SCC Online Mad 7224), it was held that unless and until the authority has clinching materials to show that the property belonged to the religious institution, the registration cannot be refused. Also, this Court in the case of *G. Rajasulochana v Inspector General* made in



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W.P(MD)No.4028 of 2024

W.P 29706 of 2024 dated 16.04.2024, it was observed as under:

"If there is a serious dispute on the title to the land, such questions cannot be decided by the Registrar at the stage of registering a document since he is only conducting a limited summary enquiry."

22. Therefore, this Court is of the view that merely on the basis of some letters without production of title deed clinchingly establish the title of the Waqf Board and religious institutions mere citing some objections in the form of letters, document cannot be refused to be registered."

11. Considering the above, this Court is of the view that as the proceedings under Act 30 of 1963 has been reached finality and no further appeal has been filed as against the said proceedings, now the fourth respondent claiming ownership, merely on the basis of objection letter before the authorities, is not maintainable and it is for them to establish the title in an appropriate manner. Therefore, the impugned memo is liable to be set aside.'

3. In view of the above, the third respondent is directed to register any documents presented for registration in respect of the house Plot Nos.31 to 35 & 37 to 39 comprised in Resurvey



W.P(MD)No.4028 of 2024

Nos.21/3, 22/3 and 22/4 situated at Thirupparankundram Village,
Madurai South Taluk, Madurai District, forthwith.

4. With the above direction, this Writ Petition is disposed
of. There shall be no order as to costs.

**07.11.2024
(1/2)**

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

1. The Inspector General of Registration,
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Foreshore Estate,
Pattinapakkam,
Chennai – 600 028.

2. The District Registrar (Administration),
Madurai.

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W.P(MD)No.4028 of 2024

G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.4028 of 2024

**07.11.2024
(1/2)**