



W.P(MD)No.8367 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.8367 of 2024

S.Shahjahan

... Petitioner

Vs

1.The District Registrar (Administration),
Pudukottai.

2.The Sub Registrar,
Kulathur,
Pudukottai District.

3.The Executive Officer,
Pudukkottai Thirukovilkal Devasthanam,
Pudukkottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to entertain and register the documents relating to the lands in S.No.17/7 measuring 0.81.5 hectares in Melapuduvayal Village, Kulathur Taluk, Pudukkottai District without insisting any NOC from the third respondent.

For Petitioner : Mr.V.R.Shanmuganathan

For RR 1 & 2 : Mr.M.Sarangan
Additional Government Pleader

For R – 3 : Mr.Chandrasekar



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ORDER

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This Writ Petition has been filed for a direction, directing the second respondent to entertain the document for registration in respect of the lands comprised in S.No.17/7 measuring 0.81.5 hectares situated at Melapuduvayal Village, Kulathur Taluk, Pudukkottai District without insisting any NOC from the third respondent.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner had purchased the lands comprised in S.Nos.17/3, 17/5, 17/16, 17/17, 17/18, 17/19 and 17/7 measuring 3.35 acres ie., 1.36.5 hectares situated at Melapuduvayal Village, Kulathur Taluk, Pudukkottai District by the registered sale deed dated 08.11.2011 vide Document No.7546 of 2011. From the date of purchase, the petitioner is in possession and enjoyment of the same and therefore, the petitioner intended to sell the property comprised in Survey No.17/7 measuring 0.81.5 hectares situated at Melapuduvayal Village, Kulathur Taluk, Pudukkottai District.



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Therefore, the petitioner approached the second respondent for the execution and registration of necessary documents. However, the said request was rejected by the respondents 1 & 2 on the ground that the third respondent raised objections on 08.10.2015 for registration of any documents in respect of the subject properties.

4.It is seen that the subject lands were classified as service inam lands and were granted to the ancestors of one M.Subramaniam to render service to Arulmighu Santhanathasamy Thirukovil. After the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 (Act 30 of 1963) (in short hereinafter referred to as 'the Act, 1963'), patta was granted in favour of P.Meenakshi Sundaram F/o.M.Subramaniam under Section 8(2)(b)(i) of the Act, 1963 on condition to render service. Thereafter, a request was made to discharge from rendering service and in order to deal with the property absolutely, payment of consideration was fixed by the Settlement Officer by its proceedings dated 19.07.2011. Further, it also issued directions to the Tahsildar, Kulathur to fix and receive consideration and discharge the service holder from service. Accordingly, the Tahsildar, by its proceedings, dated 25.07.2011 had fixed a sum of Rs.1,04,311.20/- and a sum



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of Rs.6,26,583.60/- for Survey Nos.13/28 and 17/7 as sale consideration. The entire amount was paid by the said M.Subramaniam on 08.08.2011. The Tahsildar had recorded the receipt and duly discharged the service holder from deleting the condition for service. Therefore, the said M.Subramaniam had become the absolute owner to deal with the subject property. Thereafter, the petitioner purchased the said property by the registered sale deed, dated 08.11.2011. Therefore, the petitioner has valid title over the property and he can deal with the subject property.

5.The third respondent filed a counter-affidavit and on the submissions made by Mr.Chandrasekar, learned counsel appearing for the third respondent would reveal that the father of the said M.Subramaniam was issued patta in respect of the subject land on condition to render service for the Temple. In order to release the subject land from service, as per Section 8(2)(b) of the Act, 1963, the amount should be determined by the settlement authorities in the enquiry. However, at the time of settlement proceedings, no amount was determined and as such, proper amount was not paid. Therefore, the father of the said



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M.Subramaniam had no absolute right over the subject property to deal with the same. That apart, the third respondent filed suits in O.S.Nos.173 and 174 of 2011 on the file of the District Munsif Court, Keeranur District for a declaration declaring that the documents were null and void. Therefore, there is a clear bar under Section 22A of the Registration Act, 1908 for registering the Temple properties by the registering authority.

6.Admittedly, the settlement authorities directed the Tahsildar to fix the amount to discharge the service holder from service. Accordingly, the amount was fixed and the petitioner has duly paid the same. Thereafter, by proceedings, dated 10.08.2011, the Tahsildar recorded the receipt of the amount and released the petitioner from service condition. Therefore, the said M.Subramaniam became the absolute owner of the subject land and he had rightly sold out in favour of the petitioner by registered sale deed, dated 08.11.2011. That apart, though the third respondent stated about survey numbers, there is no record to show that any order has been passed in both the suits. Hence, the third respondent cannot have any title over the subject property to raise an objection to deal with the subject property.



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7. In view of the above, the petitioner can very well deal with the subject property and if any document is presented for registration with regard to the subject property, the second respondent is directed to register the document and release the same forthwith.

8. With the above direction, this Writ Petition is allowed. However, the third respondent is at liberty to raise objections subject to the result of both the suits filed by the third respondent in respect of the subject property. There shall be no order as to costs.

07.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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G.K.ILANTHIRAIYAN, J.

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Order made in
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