



W.P.(MD)No.10721 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.10721 of 2024

R.Vignesh Prabhu

... Petitioner

/Vs./

1. The District Registrar
District Registrar Office,
58/1, Kacheri Road,
Virudhunagar - 626001,
Virudhunagar District.
2. The Sub Registrar
Sathur Sub Registrar Office,
704, Main Road,
Sathur,
Virudhunagar District.
3. The Assistant Commissioner
HR and CE,
Virudhunagar,
Virudhunagar District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in Na.Ka.No. 1037/Aa1/2023 dated 08.04.2024 and quash the same as illegal and consequently directing the 2nd respondent to register the Thana Settlement deed submitted by the father of the petitioner in favour of the petitioner in respect of the House property in Survey



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Number 489/2C2B in Patta Number 1329 situated at Melamadai village ,
Sathur Taluk, Virudhunagar District, within a stipulated time fixed by
this Court.

For Petitioner : M/s.J.Balameenakshi

For Respondents : Mr.D.Sadiq Raja

Additional Government Pleader for R1&2

ORDER

This Writ Petition has been filed challenging the order passed by
the first respondent in Na.Ka.No. 1037/Aa1/2023 dated 08.04.2024,
thereby, confirming the order passed by the second respondent, thereby
refused to register the settlement deed, which was presented for
registration on the ground that the property comprised in S.No.489/2C2B
in patta No.1329 situated at Melamadai Village, Sathur Taluk, belongs to
the third respondent Melamadai Arulmigu Perumal Swami Temple.

2. Heard the learned counsel on either side and perused the
materials available on record.



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3. The property comprised in S.No.489/2 to the total extent of 4.69 acres belongs to Veyilumuthuthevar. Out of 4.69 acres, his family members had settled property ad-measuring 4.09 acres comprised in S.No.489/2 in favour of Melamadai Arulmigu Perumal Swami Temple in the year 1946 vide Document No.2953/1946 on 18.09.1946. The remaining property to an extent of 6250.875 sq.ft was purchased by one Sangaiyathevar by registered sale deed dated 11.10.1968 vide document No.2267/1968. He as issued patta in Patta No.287. Thereafter, the subject land was sub-divided as 489/2. The said property was sold out by the said Sangaiyathevar in favour of the petitioner's father in the year 1994, registered vide Document No.952/1994, dated 02.05.1994. His father was also issued patta in Patta No.1329. After purchase, the petitioner's father obtained planning approval and constructed house and his house was also assessed property tax and also all the family members resided there. The petitioner's father had executed a settlement deed in favour of the petitioner and presented the executed settlement deed on 20.10.2023 for registration before the second respondent. However, it was refused to receive on the ground that there is an objection from the



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third respondent – Arumigu Perumal Swami Temple, Melamadai, as if the subject land belonged to the temple.

4. Aggrieved by the same, the petitioner preferred an appeal. Subsequently, the petitioner filed a Writ Petition in W.P.(MD)No.22160 of 2017 before this Court and this Court directed the first respondent to conduct detail enquiry and pass orders as contemplated under Section 22-A of the Registration Act. The first respondent conducted detail enquiry and concluded that the subject property belonged to the temple and confirmed the refusal check slip issued by the second respondent.

5. On perusal of the records revealed that the third respondent sent a communication dated 10.08.2000 to the second respondent stating that the land comprised in Survey No.489/2 to the extent of 4 acres 12 cents, out of 4 acres 92 cents alone belonging to the Temple. Now, there are encroachers and as such requested the second respondent not to register any deed in respect of the subject property.



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6. Admittedly, in the total extent, there was settlement by Veyilumuthuthevar and his family members had settled the property ad-measuring 4.12 acres by the registered settlement deed dated 18.09.1946, vide document No.2953/1946. The remaining property was purchased by one Sangaiyathevar. Both were issued patta and the petitioner's father constructed a house and reside along with his family members. In fact, subsequently it was subdivided as 489/2C2B in patta No.1329 and the petitioner and his family members are in possession and enjoyment of the property. Therefore, without even verifying the settlement deed, which was executed by Veyilumuthuthevar and his family members registered vide Document no.2953/1946. The respondents 1 and 2 mechanically refused to register the settlement deed by the petitioner's father in favour of the petitioner.

7. In view of the above, the order passed by the respondents 1 and 2 cannot be sustainable and liable to be quashed and accordingly, quashed. The petitioner is directed to re-present the settlement deed, dated 20.10.2023 before the second respondent for registration. On



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receipt of the same, the second respondent is directed to register the same forthwith.

8. With the above direction, this Writ Petition is allowed. No costs.

20.11.2024

Index : Yes / No
Internet : Yes/No
NCC : Yes / No
LS

TO:-

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G.K.ILANTHIRAIYAN, J.

LS

Order made in
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Dated:
20.11.2024