



W.P.(MD)No.17085 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.17085 of 2024

Ethiraj

. . . Petitioner

Vs.

1.The Special Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai 14.

2.The Joint Commissioner,
Sri Renganatha Swami Temple,
Hindu Religious and Charitable Endowment Department,
Srirangam, Trichy.

3.The Sub Registrar,
Sub Registrar Officer,
Srirangam.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the third respondent's impugned refusal check slip in RFL/Srirangam/44/2024 dated 05.07.2024 and quash the same as illegal and consequently direct the third respondent to register the settlement deed presented by the petitioner in respect of the property bearing T.S.No.10, Municipal Ward No.02, Block -1, the property now within T.S.N0.10/1A1, New Ward No.B, Block No.1, Plot No.5, Section-



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II, situated at Nelson Road, Vellithirumutham Village, Srirangam Taluk, Trichy District, without insisting NO Objection Certificate from the respondents 1 and 2 or any one.

For Petitioner : Mr.K.Mahendran
For Respondents : Mr.K.S.Selva Ganesan (for R1)
Additional Government Pleader
Mr.M.Saravanan (for R2)
Mr.C.Satheesh (for R3)
Government Advocate

ORDER

This writ petition has been filed by the petitioner to quash the impugned refusal check slip issued by the third respondent in RFL/Srirangam/44/2024 dated 05.07.2024 and direct the third respondent to register the settlement deed presented by the petitioner in respect of the property bearing T.S.No.10, Municipal Ward No.02, Block -1, the property now within T.S.N0.10/1A1, New Ward No.B, Block No. 1, Plot No.5, Section-II, situated at Nelson Road, Vellithirumutham Village, Srirangam Taluk, Trichy District.

2. The learned counsel for the petitioner would submit that when the petitioner presented the settlement deed in respect of the subject



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property, the same was refused by the third respondent on the ground that objection raised by the temple. Hence, seeks direction of this Court.

3. Counter has been filed by the second respondent to the effect that the temple owns the subject property by virtue of title deed Nos. 1045 and 1046 and in the re-settlement 'A' Register also indicates that the said property belongs to the temple. Therefore, as per Section 22A of the Registration Act, there is a bar to register the document presented by the petitioner. According to the second respondent, the subject property belongs to the temple and the impugned order does not require any interference by this Court.

4. Heard both sides and perused the materials available on records.

5. It is also stated that the temple has filed a suit in O.S.No.98 of 2010 before the Principal District Court, Trichy, in respect of the subject property and the same was decreed. Challenging the same, appeals have been filed before this Court in A.S.Nos.143 and 193 of 2014 and the same was allowed and decree made in O.S.No.98 of 2010 was set aside holding that without seeking declaration, the suit for recovery of possession is not maintainable.



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6. Though the counter clearly indicates that the property belongs to the temple, a perusal of A-Register in the year 1970 annexed in the typed set of papers indicates that the property stood in the name of one Appavu Poosari and the title has been established in a proper manner, the registration of the document cannot be denied merely citing the letter addressed by the authority.

7. In such view of the matter, the impugned order passed by the third respondent in RFL/Srirangam/44/2024 dated 05.07.2024 is hereby set aside and this Writ Petition is **allowed**. The third respondent is directed to register the document presented by the petitioner within a week from the date of receipt of a copy of this order. If the temple succeeds in the civil suit or appeal, it is always open for them to retrieve the property as per the provisions of the Hindu Religious and Charitable Endowment Act. No costs.

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Index : Yes / No
NCC : Yes / No
Rmk



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To
The Tahsildar,
Taluk Office,
Periyakulam Taluk,
Theni District.



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N.SATHISH KUMAR, J.

Rmk

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