



W.P(MD)No.16944 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.16944 of 2023

and

W.M.P.(MD)No.14166 of 2023

Vanitha

... Petitioner

Vs.

1.The District Registrar,
Registration Department,
Karur District, Karur.

2.The Sub Registrar,
Registration Department,
Melakarur, Karur District.

3.The Executive Officer,
Arulmigu Subramaniayaswamy Temple,
Karur, Karur District.

... 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 impugned check slip having Refusal Number:RFL/Melakarur/25/2023, dated 21.04.2023 issued by the 2nd respondent and quash the same and consequently, to direct the 2nd respondent to register settlement deed dated 21.04.2023 relating to the land in Survey No.566/3 measuring to an extent of 1.17 acre in its middle portion 0.11 acre having sub-division Survey No.566/3B, Athur, Manmangalam Taluk, Karur District.



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For Petitioner : Mr.V.Sukumar
For R1 & R2 : Mr.P.Subbaraj,
Special Government Pleader
For R3 : Mr.M.Karthikeya Venkitachalapathy

ORDER

Challenge has been made to the refusal check slip issued by the 2nd respondent dated 21.04.2023.

2.According to the petitioner, she purchased the land in Survey No.566/3B, Athur, Manmangalam Taluk, Karur District under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 through registered sale deed dated 31.10.2001. Thereafter, in the year 2023, she settled the property in favour of her son and presented the settlement deed dated 21.04.2023 for registration. However, it was refused by the 2nd respondent, vide refusal check slip dated 21.04.2023, stating that the 3rd respondent sent a letter, stating that the property in question belongs to the temple. Challenging the same, the petitioner has filed this Writ Petition.

3.The learned counsel appearing for the 3rd respondent filed a counter, stating that though patta has been granted under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963, there is no evidence to



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show that the petitioner has paid the entire amount to the Government.

Therefore, the property has been reverted back to the Temple. Further, the Temple has filed a suit in O.S.No.402 of 2024 on the file of the Principal Sub Court, Karur and the same is still pending.

4.In such view of the matter, when the right of the temple has not been established so far, there will not be any difficulty in registering the document, as the petitioner at present has better title. Hence, the impugned refusal check slip issued by the 2nd respondent dated 21.04.2023 is quashed. The 2nd respondent is directed to register the document presented by the petitioner within a period of one week from the date of receipt of a copy of this order. It is made clear that if the Temple has established the title in the suit, they can always retrieve the property in question.

5.With the above direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

30.08.2024

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

Yuva



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To

- 1.The District Registrar,
Registration Department,
Karur District, Karur.
- 2.The Sub Registrar,
Registration Department,
Melakarur, Karur District.



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N.SATHISH KUMAR, J

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