



W.P.(MD)Nos.18664 to 18670 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)Nos.18664 to 18670 of 2022

W.P.(MD)No.18664 of 2022

Baskaran

... Petitioner

Vs.

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Madurai, Madurai District 625 001.

2.The Sub Registrar,
Office of the Sub Registrar,
Y.Othakadai, Madurai District.

3.The Executive Officer,
Arulmigu Kalamega Perumal Thirukovil,
Thirumohur, Madurai District 625107.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to register the document to be submitted by the petitioner with regard to plot number 72 in Perumal Nagar situated in Survey No. 49 sub division 1B2 in Thirumohoor Village, Madurai North Taluk, (Presently Madurai East Taluk), Madurai District,



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measuring 3 cents and 316 Sq. feet (1624 Sq.ft) and hand over the original documents to the petitioner.

For Petitioners
(In all W.Ps)

: Mr.G.Chandrasekar

For Respondents
(In all W.Ps)

: Mr.P.Subbaraj,
Spl. Govt. Pleader for R1 to R4
Mr.F.Deepak for R5

COMMON ORDER

These Writ Petitions have been filed seeking for issuance of a Writ of Mandamus, directing the 2nd respondent to register the documents to be submitted by the petitioners with regard to the subject property and hand over the original documents to the petitioners.

2. It is the case of the Writ Petitioners that the petitioners have purchased the subject property and when they have presented the said documents for registration, the same were refused to be registered, citing the objection letter given by the third respondent holding that the subject property belongs to the third respondent. Hence, they have filed these Writ Petitions.



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3. The third respondent has filed a counter affidavit to the effect that the subject property are Inam lands, which was subject matter of proceedings of the Settlement Tahsildar (Minor Inams) in S.R.No.1801/M/I.Act/MDU Taluk, dated 17.05.1967 and therefore, the petitioners have no *locus standi* to maintain the Writ Petitions.

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

5. The only contention of the learned counsel appearing for the third respondent that though patta has been granted, the document can be released after proving of payment of consideration.

6. At the outset, the contention of the third respondent cannot be countenanced for the simple reason that the Settlement Tahsildar (Minor Inams) in its proceedings in S.R.No.1801/M/I.Act/MDU Taluk, dated 17.05.1967, has held as follows:

“The present occupants of S.No.49/1 have been in exclusive possession and this land for a continuous period for than 12 years before 01.04.1960 deriving right through first transferee Doraisami Asari. They have also expressed their willingness to pay the



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consideration to be fixed by the Government. Hence, they are entitled to ryotwaripatta for S.No.49/1 under Section 8(2)(i)(b) of the Act subject to the payment of the consideration due to Government.”

Whether the amount has been paid or not is a matter between the Government and the petitioners. Once patta has already been granted, now the third respondent cannot claim title over the subject property and they cannot refuse the registration merely on the allegation that the amount has not been paid. The proceedings of the Settlement Tahsildar, dated 17.05.1967 has been reached finality and the title has been decided in the said proceedings. At this stage, the temple cannot make an objection to the Sub-Registrar for registering the documents in respect of the subject property.

7. In such view of the matter, there shall be a direction to the second respondent to register the documents presented by the petitioners, within a period of two weeks from the date of receipt of a copy of this order. If the third respondent is able to establish his title before the competent civil Court, it is always open to the third respondent to establish the same and retrieve the possession under the provisions of the Tamil Nadu Hindu Religious and Charitable Endowment Act, 1959.



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8. With the above direction, these Writ Petitions are disposed of. No

costs.

20.08.2024

NCC : Yes/No
Index : Yes/No

vsm

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