



W.P.(MD)No.20190 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.20190 of 2024

Badminichari

. . . 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, Trichy.

... 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/46/2024 dated 08.07.2024 and quash the same as illegal and consequently direct the third respondent to register the sale deed presented by the petitioner in respect with the property bearing Old S.No.293/K, in New T.S.No.231 to an extent of 1 acre 2 cents situated at Srirangam Municipal Old Ward No.2, New Ward NO.B,



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Block No.3, TD Nos.1065 and 1089, “Shri Chakra Garden” in the portion of 1st floor, E-Block, Flat No.F6 at measuring to an extent of 955 sq.ft house flat and door No.120/E/F6 and including undivided share of the vacant land to an extent of 537 sq.ft, situated at North Adayavalanjan Street, 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/46/2024 dated 08.07.2024 and direct the third respondent to register the sale deed presented by the petitioner in respect of the property bearing Old S.No.293/K, in New T.S.No.231 to an extent of 1 acre 2 cents situated at Srirangam Municipal Old Ward No.2, New Ward NO.B, Block No.3, TD Nos.1065 and 1089, “Shri Chakra Garden” in the portion of 1st floor, E-Block, Flat No.F6 at measuring to an extent



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of 955 sq.ft house flat and door No.120/E/F6 and including undivided share of the vacant land to an extent of 537 sq.ft, situated at North Adayavalanjan Street, Vellithirumutham Village, Srirangam Taluk, Trichy District without insisting No Objection Certificate.

2. The learned counsel for the petitioner would submit that when the petitioner presented the sale deed executed by one M.R.Srinivasan in respect of the subject property, the same was refused by the third respondent on the ground that objection raised by the temple. It is further stated that the said property originally belonged to one A.P.Thaadavaraya Pillai and revenue records also stands in his name in the Adangal during the 1930. Thereafter, his son sold the property on 05.11.1959 to one Sivabassayya M.Bangaarimath, who executed a Will on 03.04.1967 in favour of his legal heirs. The said property was also the subject matter of the suit in O.S.No.921 of 1994 on the file of the District Munsif Court, Tiruchirappalli. Thereafter, the legal heirs of Sivabassayya M.Bangaarimath sold the property to various persons. Hence, according to the petitioner, the temple has no connect with the property. Hence, seeks direction of this Court.



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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. 1065 and 1089 and the re-settlement 'A' Register also shows that the temple owns the said property. 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. Though the counter clearly indicates that the property belongs to the temple, a perusal of 'A' Register in the year 1930 annexed in the typed set of papers indicates that the property was in the name of one A.P.Thaadavaraya Pillai and title deed in fact issued in favour of individual, not in favour of the temple. Similarly, in 1970 'A' Register also, the name of one S.M.Bangarimath is mentioned. No document has been filed by the temple to show that they have title over the subject property. Therefore, merely on the basis of the letter addressed by the



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authority, the registration cannot be refused. The papers available on record along with the writ petition, the contention of the temple that they have title deed in their favour cannot be accepted, which has to be established in the manner known to law by adducing proper document.

6. In such view of the matter, the impugned order passed by the third respondent in RFL/Srirangam/46/2024 dated 08.07.2024 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 have the title over the property, it is for them to establish the same in the manner known to law, to retrieve the property, merely registration of the document will not take away such right. No costs.

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(1/2)

Index : Yes / No

NCC : Yes / No

Rmk

N.SATHISH KUMAR, J.



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Rmk

To

- 1.The Special Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai 14.
- 2.The Sub Registrar,
Sub Registrar Officer,
Srirangam, Trichy.

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