



W.P (MD).No.21405 of 2023

+BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2024

CORAM

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

W.P (MD).No.21405 of 2023

Kavya

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
The Administration Department,
Chennai-34.

2.The Joint Commissioner/Executive Officer,
Arulmigu Meenakshi Sundareswarar Thirukovil,
Hindu Religious and Charitable
Endowment Department,
Madurai.

3.The District Registrar,
North Division,
Madurai District.

4.The Sub-Registrar,
Pothumbu,
Madurai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned check slip Maruppuseettu No.142/2023, dated 18.07.2023 issued by the respondent and quash the same as illegal and directing the respondent to



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register the house property situated in Door No.5.12 in Northern side of Plot No.50, Vivekanandha Avenue, Re.S.No.8/4 Patta No.162, Ayan No.24 in Sambanthar Alangulam Village, Madurai North Taluk, Old Chokkikulam Sub Division, New Pothumbu Sub-Division, Madurai North Registration District, Madurai District to the extent of 780 Sq.Ft.

For Petitioner : Mr.S.A.Ajmalkhan
For R1,R3 & R4 : Mr.S.P.Maharajan
Special Government Pleader
For R2 : Mr.V.R.Shanmuganathan

ORDER

This writ petition has been filed challenging the order passed by the fourth respondent, dated 18.07.2023 thereby, refused to register the subject property, which was presented for registration.

2. The property comprised in Survey No.24, House site Patta No.162, bearing plot No.50 to an extent of 780 Sq.Ft out of 3 acres 71 cents situated at Re.S.No.8/4, Sambanthar Alangulam Village, Madurai District, New Pothumbu Sub-Division. The said property was purchased by the petitioner's vendor vide registered document No.2869 of 2000, thereafter, he had executed a Power of Attorney in favour of one R.M.Anand Babu vide document No.3501/2022, in turn, the petitioner had purchased the said property through the Power of



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Attorney for a valid sale consideration vide sale deed, dated 06.07.2023 and the same was presented for registration before the fourth respondent. However, the fourth respondent refused to register the same and issued the refusal check slip on the ground that the subject property stands in the name of Arulmigu Meenakshi Sundareswarar Thirukovil. Therefore, the petitioner was directed to produce all the documents and represented the sale deed for registration.

3. The learned counsel for the petitioner would submit that though the property stands in the name of the second respondent, so far, the second respondent did not take any steps to retrieve the property. In this regard, the Hon'ble Division Bench of this Court in the case of ***Sudha Ravikumar v. The Special Commissioner*** reported in ***AIR 2017 Mad 203***, held as follows:-

"the registering authority is not bestowed with any quasi-judicial function to hold a roving enquiry in respect of the title to the property. But he has to hold a summary enquiry for the limited purpose of satisfying himself that the document deserves to be registered. Such enquiry is neither judicial nor quasi-judicial."



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4. That apart, the learned counsel for the second respondent would submit that originally the said property belonged to the second respondent temple and subsequently, the subject property was acquired by the Adi Dravidar Welfare Department for the welfare of the Adi Dravidar.

5. In view of the above, the petitioner is directed to re-present the sale deed for registration within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the fourth respondent is directed to issue notice to the petitioner, the second respondent as well as the Adi Dravidar Welfare Department, as directed above, and to conduct an enquiry and pass appropriate orders on merits and in accordance with law to register the sale deed presented by the petitioner and release the document in favour of the petitioner, within a period of four weeks thereafter. Accordingly, this writ petition is disposed of. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

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G.K.ILANTHIRAIYAN, J.

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