



W.P.(MD)No.21188 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.21188 of 2024

P.Arulprakash

... Petitioner

Vs.

1.The District Registrar,
Nagercoil,
Kanyakumari District.

2.The Sub Registrar,
Boothapandi,
Kanyakumari District.

3.The Commissioner,
Hindu Religious and Charitable Endowments
Department, Nungambakkam, Chennai.

4.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department, Tirunelveli District, Tirunelveli.

5.The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department, Nagercoil,
Kanyakumari District.

... Respondents

[R3 to R5 are impleaded vide order dated 11.09.2024]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to



W.P.(MD)No.21188 of 2024

the impugned refusal check slip issued by the second respondent in RFL/Boothapandi/27/2024 dated 19.06.2024 and quash the same and further directing the second respondent to entertain the sale deed dated 19.06.2024 for registration and consequently to register and release the same.

For Petitioner : Mr.M.P.Senthil
For R1 & R2 : Mr.P.Subbaraj
Special Government Pleader
For R3 to R5 : Mr.K.S.Selva Ganesan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusals check slip issued by the second respondent in RFL/Boothapandi/27/2024 dated 19.06.2024 and to direct the second respondent to register and release the sale deed dated 19.06.2024.

2.The case of the writ petitioner is that the subject property originally belongs to Sri La Sri Kasi Madam, Thirupanandhal. Since there was a dispute, a suit came to be filed in C.S.No.208 of 1927 and C.S.No.89 of 1928 against the Commissioner, Hindu Religious and Charitable Endowment (HR&CE) Department, wherein judgment had been passed by this Court to the effect that the property morefully mentioned in the schedule annexed to the suit, only constitutes religious endowment attached to the said mutt and the Board has



W.P.(MD)No.21188 of 2024

jurisdiction over the same. With regard to the other properties, which is in possession of the second plaintiff therein, it is categorically held that the board has no jurisdiction over the same and the said judgment and decree had attained finality.

3. It is further submitted by the petitioner that pursuant to the said decree, several documents have already been registered. The special Commissioner HR & CE Department has also addressed a communication dated 30.03.2007 in Ne.Mu.No.37243/06/R1 to the Sub Registrar informing him that only the properties, which were vested with the Board as per the decree of the Court, belong to the religious endowment and other properties are not belonging to the religious Board. Though the communication was sent on 30.03.2007, the same was sought to be reversed later, which was put into challenge in W.P.(MD)No. 1920 of 2015. However, the said writ petition was dismissed. Challenging the above, an appeal has been filed before this Court in W.A.(MD)No.972 of 2020, The Division Bench of this Court, setting aside the order of the Single Bench, has clearly held that the earlier communication given on 30.03.2007 cannot be revised. Hence, it is the contention of the learned counsel for the petitioner that the subject property has been never vested with the HR & CE Department and reasons adduced by the Sub Registrar to refuse to register the document cannot be sustained.



W.P.(MD)No.21188 of 2024

WEB COPY

4.It is the stand of the HR & CE Department that this property is shown as mutt property in the A Register. Therefore, the document cannot be registered as there is a clear bar under Section 22-A of the Act.

5.I have heard the learned counsel appearing on their and perused the entire materials placed on record.

6.As rightly pointed by the learned counsel for the petitioner, all the properties are the subject matter of the civil Suit in C.S.No.208 of 1927. This Court had passed the following order:

“1.That the properties, morefully described in the schedule hereto only constitute a religious endowment attached to the suit Mutt and that the Defendant Board has Jurisdiction over the same.

2.That in regard to the other properties in the possession of the Plaintiff 2 herein the Defendant Board has no jurisdiction over the same and the provisions of Madras Act II of 1927 do not apply to the same:

3.That contribution shall be paid by plaintiff 2 herein to the Defendant Board from the year 1934 commencing form the first July of that year.”



W.P.(MD)No.21188 of 2024

WEB COPY

7.The schedule annexed in the decree is as follows:

Schedule:

Properties in the villages of 103.Paingatloor, 104 Ranganathapuram and 109 Akkaraikottagam, Mannargudi Taluk, Tanjore District.

Properties in the Villages of 103, Paingatloor, 104 Ranganathapuram and 109 Akkaraikottagam, Mannargudi Taluk, Tanjore District.		
Serial No.	Survey No.	Extent Acre. Cent.
No. 103 - Paingatloor (Patta No. 1)		
	Wet	
1	2	3 73
2	3	2 52
3	4	4 92
4	5	4 55
5	6	5 82
6	7	3 94
7	8-2	0 4
8	9	3 23
9	10	4 8
10	11	3 18
11	12	6 22
12	13	7 10
13	14	3 55



W.P.(MD)No.21188 of 2024

WEB COPY

16	17	4 85
17	18	4 50
18	19	2 53
19	20	5 05
20	21-1	1 03
21	21-3	1 90
22	22-1	1 78
23	22-3	1 59
24	23-1	1 48
25	23-3	1 26
26	24-2	5 50
27	26	4 24
28	27	8 15
29	28	6 5
30	29	7 44
31	30-2	4 76
32	31	7 58
33	32-2	0 50
34	189-1	0 62
35	189-0	3 36
36	190	5 93
37	191	3 44
38	192	3 53
39	193	5 53
40	194	6 22
41	195	5 42
42	196	3 30
43	198-1	2 42
44	198-2	2 58
45	199	3 38
46	200-1	3 36
47	201-1	3 13
48	201-3	2 08
49	202-1	1 70
50	202-3	2 95
51	203-1	1 54
52	203-3	2 35
		7 09



W.P.(MD)No.21188 of 2024

WEB COPY

54	205-1	7 28
55	207	1 72
56	208-1	1 28
57	209	6 31
58	214-2	0 18
59	215-1	2 24
60	215-2	0 66
61	217	5 32
62	218	3 12
63	219-1	6 10
64	219-3	0 57
65	220	5 35
66	221	5 96
67	222	4 21
68	224-1	5 60
69	227	1 13
70	230	1 72
71	231	0 30
72	233	4 63
73	234	3 73
74	235	1 39
75	237	4 47
76	238	3 73
77	239-1	0 31
78	239-2	1 82
79	240	0 13
80	241-1	0 14
81	241-2	0 19
82	242	0 13
83	243	5 05
84	246	3 35
85	247-1	2 63
86	247-2	1 53
87	248-2	0 14
88	249	2 11
89	251	5 78



W.P.(MD)No.21188 of 2024

WEB COPY

91	253-1	3 25
92	253-2	3 71
93	254	6 30
94	255-1	0 88
95	255-3	1 32
96	256	4 40
97	257	4 40
98	258	4 86
99	259	5 13
100	260	5 50
101	262	5 22
102	263	5 37
103	264	5 20
104	265	7 68
105	266	5 49
106	267	4 56
107	268	7 ..
108	269	4 55
109	270	4 52
110	271	6 15
111	273	5 20
112	274-1	1 35
113	274-2	4 69
114	275	7 61
115	277-2	0 17
116	280	6 35
117	282	9 22
118	283	5 3
119	284	3 84
120	285	2 1
121	287-1	6 46
122	287-2	0 23
123	287-3	0 22
124	287-4	1 18
125	288-1	4 42



WEB COPY



W.P.(MD)No.21188 of 2024

	-7-	
126	288-2	0 11
127	289-1	2 13
128	289-3	1 16
129	291	5 54
130	292	2 1
131	293	8 77
132	295	4 78
133	296	4 39
134	297	2 95
135	299	7 14
136	300-2	8 44
137	301	5 14
138	302-1	7 56
139	302-3	0 92
140	303-2	4 3
141	303-4	1 56
142	304-2	0 35
143	305-2	7 48
144	306-2	4 80
145	307	6 76
146	308-1	1 89
147	308-3	2 34
148	309-1	4 77
149	309-3	2 50
150	310	5 8
151	311-2	6 46
152	312	3 14
153	313	4 35
154	314	6 58
155	315-1	1 35
156	315-3	1 87
157	315-2	2 2
158	316-3	0 96
159	316-4	0 74
160	317-1	5 64
161	318	5 38
162	320-1	2 89
163	320-3	2 10
164	321-2	0 19



W.P.(MD)No.21188 of 2024

WEB COPY

		4-	
		322-3	1 34
166		323-1	0 15
167		323-3	0 17
168		324	4 78
169		325	5 40
170		325-2	1 75
171		325-4	0 19
172		325-5	0 53
173		328-1	0 71
174		330	0 38
175		333	2 93
176		354-1	0 7
177		368-3	0 14
178		378-3	0 38
179		381-2	0 6
180			
Total (Wet)			637 82
181	Dry	208-2	2 42
182		213	0 9
183		214-1	1 42
184		214-4	0 81
185		224-2	0 26
186		241-3	0 35
187		250-1	7 72
188		250-2	2 76
189		252-1	0 50
190		252-3	0 19
191		277-1	2 90
192		278-1	0 87
193		284	0 35
194		304-3	1 72
195		321-1	1 43



WEB COPY



W.P.(MD)No.21188 of 2024

	-3-	
196	326-1	0 30
197	326-3	0 63
198	326-4	0 62
199	328-2	0 26
200	332	0 94
201	334	1 24
202	335	0 10
203	336	0 35
204	337	2 35
205	339-1	0 61
206	340	0 98
207	341	1 48
208	342	2 16
209	343-1	0 10
210	343-2	1 66
211	344	1 90
212	345	1 56
213	346	0 21
214	347	4 3
215	348	3 56
216	368-1	0 34
217	369-2	0 48
218	369-3	0 10
219	371	2 42
220	375-2	0 20
221	378-1	0 91
222	378-2	0 22
223	378-3	1 18
224	379-2	0 9
225	380-1	1 16
226	380-4	0 23
227	380-5	0 18
228	380-6	0 54
229	382-2	0 20
230	383-2	0 14



WEB COPY



W.P.(MD)No.21188 of 2024

No. 104 Ranganathapuram (Patta No. 45)		
1	Wet	5-2
2		-10
3		13-3
4		15-2
5		18-1
6		18-4
7		19-1
8		20
9		21-1
10		22-2
11		22-3
12		22-5
13		24-11
14		28-1
15		28-3
16		28-5
17		30-1
18		30-9
19		32-4
20		34-1
21		34-3
22		42-1
23		45-1
24		47-1
25		48
26		49
27		51-1
28		51-3
29		54
30		55-2
31		67-1
32		67-3
33		67-8
34		68-2
35		143-3
		0 12
		0 8
		2 8
		0 66
		3 14
		1 28
		4 1
		4 22
		4 4
		0 42
		0 91
		1 60
		0 20
		1 10
		0 46
		1 10
		2 46
		1 56
		0 94
		0 45
		0 30
		4 9
		3 56
		3 38
		3 54
		2 66
		2 75
		0 84
		0 34
		4 34
		1 2
		2 25
		1 90
		0 11
		1 16



W.P.(MD)No.21188 of 2024

WEB COPY

11.		
36	145-1	0 78
37	145-5	0 55
38	149-1	0 62
39	151-3	0 25
40	152-5	0 31
41	184-4	0 23
42	186-2	0 34
43	189-4	0 23
Total (Wet)		65 38
44 (Dry)	49-16	0 70
45	80-A2	0 94
46	90-B9	0 13
47	34	0 44
Total (Dry)		2 21
No. 109 Akkaraikottagam (Putta No. 55)		
1 Wet	313-2	0 5
2	322-1	0 36
3	322-3	1 74
4	323-1	1 56
5	323-3	2 19
6	324-2	3 67
7	325	2 86
8	326-1	1 78
9	326-3	1 52
10	326-5	1 56
11	327	4 16
12	328-2	2 70
13	330	4 94
14	331-2	2 23
15	332-2	3 24
16	333	4 39



W.P.(MD)No.21188 of 2024

WEB COPY

	-12-	
17	334	4 72
18	335	4 36
19	336	4 16
20	337	4 57
21	338	4 13
22	339	4 82
23	340	5 0
24	341-2	4 54
25	344-1	3 84
26	344-4	0 14
27	345-3	1 ...
28	347	0 41
29	348	6 42
30	351	5 48
31	352	5 12
32	355	1 52
33	356	6 54
34	357	5 6
35	359	6 64
36	360	4 56
37	361-1	3 94
38	362	6 18
39	363	4 70
40	364	6 66
41	365	3 54
42	366	4 56
43	367	0 36
44	368	2 26
45	370	4 74
46	371	7 46
47	372	4 72
48	373-2	0 3



WEB COPY



W.P.(MD)No.21188 of 2024

49	374	5 72
50	375-2	1 27
51	376	4 96
52	377	3 75
53	380	3 54
54	381	3 88
55	382	5 22
56	385-2	0 40
57	386	4 14
58	387	4 22
59	388	4 0
60	389	3 2
61	390-2	0 22
62	391	4 70
63	392	5 32
64	393	4 32
65	394	4 96
66	397	5 58
67	399	5 6
68	400	2 50
69	401-2	0 83
70	401-3	0 35
71	402	5 44
72	403	6 20
73	404	5 48
74	405	5 82
75	405-2	0 6
76	408	4 9
77	409	3 94
78	410	2 87
79	411	2 97
80	412	3 47
81	413	4 28

Total Wot 302 94



W.P.(MD)No.21188 of 2024

WEB COPY

	-14-	
82	132-3	0 54
83	341-1	0 8
84	344-2	0 48
85	345-2	2 97
86	375-1	0 72
87	401-4	0 52

Total (Dry) **5 31**

Total Extent of three villages

	Wet Acres. Cent.	Dry Acres. Cent.
103 Paingattoor	637 82	56 32
104 Ranganathapuram	55 38	2 21
105 Akkaraikottagam	302 94	5 31
Total	1006 14	63 84

8.From the above schedule, it is seen that the total extent of property is 1006.14 acres of wet land and 63.84 acres of dry land. The said plaint schedule property alone was vested with the department. The properties, which were actually in possession of the second plaintiff therein, were never vested with the department. This Court has declared that the department has no jurisdiction over the property, which were in possession of the second plaintiff in the suit. In this regard, the communication dated 30.03.2007 issued by the Special



W.P.(MD)No.21188 of 2024

Commissioner of the HR & CE Department to the Registration Department, has in fact admitted the decree and judgment passed by the this Court, wherein it was held that the property, which was in possession of the petitioner and not the subject matter of the schedule, is not belonging to the department. This order was also subsequently confirmed by the Division Bench of this Court in W.A. (MD)No.972 of 2020.

9. Therefore, once the rights of the parties have already been agitated and reached finality in a civil suit, merely on the basis of the entries found in 'A' Register, the temple authorities can not claim title over the properties of the petitioner. In such view of the matter, this writ petition is **allowed** and the impugned order dated 19.06.2024 in RFL/Boothapandi/27/2024 is set aside. The second respondent is directed to register the document within a period of ten days from the date of receipt of a copy of this order. The petitioner is at liberty to represent the document once again before the second respondent, who in turn shall register the same, if otherwise in order. No costs.

15.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
ta



W.P.(MD)No.21188 of 2024

WEB COPY

To

- 1.The District Registrar,
Nagercoil,
Kanyakumari District.
- 2.The Sub Registrar,
Boothapandi,
Kanyakumari District.
- 3.The Commissioner,
Hindu Religious and Charitable Endowments
Department, Nungambakkam, Chennai.
- 4.The Joint Commissioner,
Hindu Religious and Charitable Endowments
Department, Tirunelveli District, Tirunelveli.
- 5.The Assistant Commissioner,
Hindu Religious and Charitable Endowments
Department, Nagercoil,
Kanyakumari District.



WEB COPY



W.P.(MD)No.21188 of 2024

N.SATHISH KUMAR, J.

ta

W.P.(MD)No.21188 of 2024

15.10.2024