



WP(MD)No.7227 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

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Sri Aathmanathaswamy Devasthanam
represented by its Superintendent,
Subramanian
Thiruperunthurai,
Aavudaiyar Kovil - 614 608,
Pudukottai District.

... Petitioner

Vs

1.The District Registrar,
Office of the District Registrar,
Pudkottai District,
Pudukottai.

2.The Sub-Registrar,
K.Pudupatti,
Pudukottai District.

3.Velusamy

4.A.Firozkhan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 and 2 to annul the sale deed dated 28.10.2015 executed by the 3rd respondent in favour of the 4th respondent registered in document No.824/2015 on the file of the



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2nd respondent by considering the petitioner's representation dated 27.02.2017.

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For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.A.Baskaran,

Addl Govt Pleader

ORDER

The petitioner with a grievance that the temple land has been alienated by the 3rd respondent in favour of the 4th respondent has submitted a representation to the 1st and 2nd respondents on 27.02.2017 to cancel the sale deed and also filed this writ petition for a direction to cancel the said sale deed.

2.The learned Counsel for the petitioner submits that the property, which was alienated is the property of the petitioner temple, however without conducting any enquiry as per Section 21 of the Hindu Religious and Charitable Endowments Act, 1959, it was registered in favour of the 4th respondent.



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3.The learned Additional Government Pleader appearing for the official respondents submits that they have initiated enquiry, however during the enquiry the 3rd respondent Velusamy died and therefore, the enquiry could not be proceeded further.

4.The petitioner claims that the property in dispute is the temple's property and this writ petition is filed by the Superintendent of the Devasthanam. The official concerned ought to have conducted an enquiry on the allegation of the petitioner. The 2nd respondent in his counter has stated as follows:

"As per Settlement Register and in the 'A' Register the land in S.No.80 of Thonnakudi Village, Aavudaiyar koil Taluk, Pudukottai is situated in the name of Sri La Sri Ambalavana Pandaram Sannathi. It is the sub-temple of Aathmantha Temple of Thiruperunthurai.



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5.The averments in para 4 of the affidavit is denied as followed:

It is true that there is erroneous entry in UDR scheme with regard to land S.No.Thonnakudi Village in the name of Velusamy. But there was no enjoyment over the property by Velusamy. By making use of it, the said Velusamy created registered sale deed dated 28.10.2015 in favour of Firozkhan in Doct.No.824/2015 for an extent of 31.21 Hectare in the said S.No. 80 of Thonnakudi Village. In consequence there was a representation to the 1st respondent on 27.02.2017. In consequence proceedings issued on 03.03.2017 in Na.Ka.No.10/2016 under Circular 67 of IG Registration on 03.11.2011. As per the circular necessary procedure to be observed by the Authority.

5.In view of the above, the 1st respondent is directed to conduct an enquiry and take appropriate action as against the erring officials, as expeditiously as possible.



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6. With the above direction, this writ petition
is disposed of. No costs.

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Internet : Yes / No

DSK

To

1. The District Registrar,
Office of the District Registrar,
Pudkottai District,
Pudukottai.

2. The Sub-Registrar,
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Pudukottai District.



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B. PUGALENDHI , J .

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