



WP(MD). No.24654 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 19/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.24654 of 2024

S. Selvakumar

... Petitioner

Vs

1. The Sub Registrar,
Office of Sub Registrar,
Y.Othakadai, Madurai,
Madurai District.

2. The Executive Officer,
Arulmigu Kalamega Perumal Thirukovil,
Thirumohur,
Madurai District 625 107.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the 1st respondent to register the document to be submitted by the petitioner with regard to plot number 75 in Perumal Nagar situated in Survey no. 49 sub division 1A in Thirumohoor Village, Madurai North Taluk (Presently Madurai East Taluk) Madurai District measuring 5 cents 322 sq.feet (2502 sq.feet) and hand over the original documents to the petitioner.

For Petitioner : Mr.G.Chandrasekar



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For Respondent : Mr.C.Satheesh
Government Advocate for R1
Mr.S.Manohar for R2

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the 1st respondent to register the document to be submitted by the petitioner with regard to plot number 75 in Perumal Nagar situated in Survey no. 49 sub division 1A in Thirumohoor Village, Madurai North Taluk (Presently Madurai East Taluk) Madurai District measuring 5 cents 322 sq.feet (2502 sq.feet) and hand over the original documents to the petitioner.

3. It is the case of the petitioner that the petitioner has purchased the subject property and when he presented the said documents for registration, the same was refused to be registered, citing the objection letter given by the 2nd respondent holding that the subject



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property belongs to them. Hence, he is before this Court with this writ petition.

4. The second respondent has stated that the subject property is 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 petitioner has no *locus standi* to maintain the Writ Petition.

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

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

7. At the outset, the contention of the second 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:

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“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 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 petitioner. Once patta has already been granted, now the 2nd respondent cannot claim title over the subject property and the authorities cannot refuse the registration merely on the allegation that the amount has not been paid to the Government, which is a matter of evidence to be established and merely on the basis of the submission, it cannot be done. 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.



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

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

19.10.2024

RR

TO
1. The Sub Registrar,
Office of Sub Registrar,
Y.Othakadai,
Madurai,
Madurai District.



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N.SATHISH KUMAR,J

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