



W.A.(MD)No.1120 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

AND

THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

W.A.(MD)No.1120 of 2017

and

C.M.P.(MD)No.7721 of 2017

The Executive Officer,

Arulmigu Kalyana Pasupatheeswara Swamy Temple,

Karur.

...Appellant

/Vs./

1.S.Palanisamy

2.Poonkodi

3.Amutha

4.Minor Baby

5.Minor Nagularasan

Represented by their power of attorney,

S.Subramanian

6.The Sub Registrar of Registration,

Karur West, Karur – 639 001.

...Respondents

1/6



W.A.(MD)No.1120 of 2017

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to allow the writ appeal and to set aside the order passed by this Court in W.P.(MD)No.4452 of 2008 dated 14.09.2016.

For Appellant : Mr. G.Sridharan
For Respondents : Mr. A.K.Manikkam (R6)
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by **V.BHAVANI SUBBAROYAN, J.**)

The Temple filed this writ appeal challenging the order passed by this Court dated 14.09.2016 in WP(MD)No.4452 of 2008, which was filed by the writ petitioners / private respondents challenging the order of the first respondent / sixth respondent, wherein it is stated that the subject property belongs to the temple with a consequential direction to the first respondent / sixth respondent to register the sale deeds belonging to the writ petitioners / private respondents.



W.A.(MD)No.1120 of 2017

WEB COPY

2. The case of the writ petitioners is that the writ petitioners were represented through power agent and the said power was registered on 29.01.2008 and the subject property is a common property of the writ petitioners. When the writ petitioners tried to sell the subject property, a sale deed was also executed. When the same was presented, it has been rejected mentioning the letter sent by the HR&CE Department wherein it was held that the lands vested in the religious institutions should not be registered. The writ petitioners gave a representation to the respondents, for which the impugned order in the writ petition came to be passed. Challenging the same, the writ petition was filed, which was allowed directing the first respondent / sixth respondent, to register the writ petitioners' / private respondents' documents. Challenging the same, the Temple has filed this writ appeal.

3. The learned counsel appearing for the appellant temple submits that a suit in O.S.No.300 of 2002 has been filed by the appellant temple and others seeking for declaration that the appellant temple is the absolute owner of the suit property and for delivery of possession before



W.A.(MD)No.1120 of 2017

the District Munsif Court, Karur, which was decreed exparte in favour of the appellant temple. One of the private respondents had filed a petition to set aside the exparte decree with a delay, which was also dismissed by the trial Court. Aggrieved by the same, CRP(MD)No.1420 of 2010 was filed, which was also dismissed by this Court on 23.04.2019. Suppressing all these facts, the writ petitioners attempted to make execution of the documents before the first respondent / sixth respondent and the same was rejected.

4. Heard the learned counsel appearing for the appellant and the learned Special Government Pleader appearing for the sixth respondent and perused the materials placed before this Court.

5. On perusal of the records, it is seen that the temple authority has filed a suit and got it decreed. The revenue records also stand in the name of the temple, in view of the declaration of title in the suit as well as the revenue records. Hence, the impugned order came to be passed by the first respondent / sixth respondent by rejecting the documents



W.A.(MD)No.1120 of 2017

WEB COPY

submitted by the writ petitioners / private respondents. The impugned order passed by the first respondent / sixth respondent is in accordance with law and the writ petitioners / private respondents have no right to claim any right over the subject property. The order of the writ Court dated 14.09.2016 passed in WP(MD)No.4452 of 2008 is set aside and the writ appeal is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

**(V.B.S.J.) & (K.K.R.K.J.)
27.03.2024**

NCC :Yes/No
Index :Yes/No
Internet :Yes
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W.A.(MD)No.1120 of 2017

V.BHAVANI SUBBAROYAN, J.
and
K.K. RAMAKRISHNAN, J.

sm

TO:-

1. The Sub Registrar of Registration,
Karur West,
Karur – 639 001.

Judgment made in
W.A.(MD)No.1120 of 2017

Dated:
27.03.2024