



W.P.(MD)No.25516 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.11.2024**

CORAM:

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

W.P.(MD)No.25516 of 2024

S.Dineshkumar

... Petitioner

/Vs./

- 1.The Special Commissioner and Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai - 14.
- 2.The Joint Commissioner,
Sri Renganatha Swami Temple,
Hindu Religious and Charitable Endowment Department,
Srirangam, Trichy.
- 3.The Hereditary Administrative Trustee,
Arulmigu Thiruvaranga Sellaayee (Selli) Amman Temple,
(Railway Station Road), Thiruvarangam,
Tiruchirappalli District - 620 006.
- 4.The Sub Registrar,
Sub Registrar Officer,
Srirangam.

... Respondents



W.P.(MD)No.25516 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the 4th respondent's proceedings in Na.Ka.No. 205-25/2024 dated 08.10.2024 and quash the same as illegal and consequently direct the 4th respondent to register the Sale Deeds or settlement deeds or any other documents when it presented for registration by the petitioner with respect to the property bearing in Municipal Old Ward No. 2, Old Block No. 30 and new Ward -B, Block No. 30 in T.S. No. 1719/1 and T.S.No. 1719/10, at measuring to an extent of total 5807 Sq. ft its equivalent to 539.48 Sq. meter in T.D. No. 1071 situated at Singar Kovil Street, Vellithiurmutham Village, Srirangam Taluk, Trichirappalli District, without insisting No Objection Certificate from the 2nd and 3rd respondents.

For Petitioner : Mr.K.Mahendran

For Respondents : Mr.D.Gandhiraj (R1)

Special Government Pleader

Mr.M.Saravanan (R2)

Mr.Kanthavadivelu (R3)

Mr.M.Sarangan (R4)

Additional Government Pleader



W.P.(MD)No.25516 of 2024

WEB COPY

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the fourth respondent dated 08.10.2024, thereby refused to register any deed in respect of the property comprised in T.S. No. 1719/1 and T.S.No. 1719/10, measuring to the total extent of 5807 Sq.ft., equivalent to 539.48 Sq. meter in T.D. No. 1071 situated at Singar Kovil Street, Vellithiurmutham Village, Srirangam Taluk, Trichirappalli District.

2. The property comprised in Old SF No.249, corresponding to TS No.1719 originally belonged to one Ramu ammal, W/o.Narayanan. In the said land, a terraced building and a flower garden were situated. In the year 1894, the said Ramu Ammal had executed a sale deed in favour of one Venkatammal vide registered sale deed as D.No.1617/1894. Thereafter, the said Venkatammal and her legal heir had executed a sale deed in favour of one Alwarthai Ammal vide registered sale deed in D.No.2221/1906. After her demise, her daughter, namely, Kannammal, also died leaving behind her minor daughter, namely



W.P.(MD)No.25516 of 2024

Lakshmikanthammal, who was given the subject property by way of the settlement deed dated 06.06.1932 vide registered document No. 1018/1932.

3. During the year 1963, the Madras Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963 (Madras Act 30/63) (hereinafter referred to as “said Act” for brevity) was enacted and she claimed ryotwari patta in respect of the subject property mentioned in title deed in TD No.1071 from the revenue authorities as per the said Act. The subject property was notified under Section 1(4) of the said Act, which was enforced on 15.02.1965, on which date inam tenure in respect of the subject property was abolished and the subject property vested in the government free of all encumbrance.

4. Therefore, a *suo motu* enquiry was initiated by the settlement Tahsildar under the said Act for the purpose of grant of ryotwari patta in respect of the subject property. After enquiry, it was found that the property comprised in TS No.1719, 1720/1, 1720/3, 1721/2 Pro, 1731/1A, 1731/C, 1731/3 mentioned in TD No.1071, was already issued



W.P.(MD)No.25516 of 2024

WEB COPY

patta. However, in AS No.116 of 1941 on the file of the Sub Court, Trichy, it was held that the third respondent temple is not a subordinate shrine of Srirangam Devasthanam / the second respondent and therefore, the patta issued in respect of the subject property in favour of the third respondent cannot be relied upon.

5. The settlement Tahsildar concluded that the grant in TD No. 1071, in favour of the third respondent is of both Melwaram and Kudiwaram lands. Further, the temple holds that the lands in TS No. 1721/2 Pro, 1731/1A, 1731/1C and 1731/3 are entitled for patta by the temple. The remaining lands comprised in TS No.1719, 1720/1, 1720/3 have been transferred by way of sale by the persons, who were in possession of the lands as per the said Act and the settlement Tahsildar ordered to issue patta for the subject property vide order dated 25.08.1969 and it became final, against which no appeal has been preferred by the aggrieved parties. Therefore, the subject lands were owned by the Lakshmikanthammal and the revenue records also reflected her name.



W.P.(MD)No.25516 of 2024

WEB COPY

6. The said Lakshmikanthammal along with her legal heirs had executed a sale deed in favour of the one Mani by the registered sale deed dated 05.04.1982 vide document No.698/1982. The said Mani was also issued with patta. Subsequently, he died on 30.07.2017 leaving behind his three children as his legal heirs to succeed the subject property.

7. During the year 2021, the legal heirs of the said Mani had partitioned the subject property by the partition deed dated 24.06.2021 vide registered document No.1696/2021 and the property comprised in TS No.1719 was subdivided as 1719/1. One of the legal heirs of said Mani, namely, Sadhasivam had executed a power of attorney in favour of his brother, Sivakumar to deal with the property of his share, on 25.10.2021 vide Document No.3214/21. Subsequently, the property comprised in S.No.1719/1 was subdivided into S.No.1719/10 and separate patta was issued. The said Sivakumar had sold out the property in favour of the petitioner for valid sale consideration on 08.09.2022 vide registered document no.2878/2022 and the petitioner also obtained approval from DTCP and other authorities concerned to construct an



W.P.(MD)No.25516 of 2024

WEB COPY

apartment. Accordingly, he completed the construction of apartment in the subject property and also obtained water and electricity service connection in the name of the petitioner. Thereafter, the petitioner decided to sell the subject property and submitted a representation before the fourth respondent for registration to register the subject property. On receipt of the same, the fourth respondent, by the order impugned dated 08.10.2024 refused to register any deed in respect of the subject property, since the third respondent raised objections as if the subject land belongs to the temple.

8. The learned Additional Government Pleader appearing for the fourth respondent, on instructions, submitted that there is an impediment under Section 22A of the Registration Act, 1908 to deal with the subject property on the objections raised by the third respondent.

9. The learned counsel appearing for the third respondent would submit that the subject property belongs to the third respondent and as per Section 6(17)(1) of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959, there is a bar to register any document belonging to the temple.



W.P.(MD)No.25516 of 2024

WEB COPY

10. On perusal of the records, it is seen that the third respondent has no title over the property as per the revenue records and therefore, the contention of the learned counsel appearing for the third respondent cannot be countenanced. Hence, the fourth respondent has absolutely no impediment to register any document in respect of the subject property.

11. In view of the above, the impugned order dated 08.10.2024 cannot be sustained and is liable to be quashed. Accordingly, the impugned order dated 08.10.2024 is hereby quashed and this writ petition is allowed. If any deed is presented for registration in respect of the subject property in T.S. No. 1719/1 and T.S.No. 1719/10, at measuring to an extent of total 5807 Sq. ft its equivalent to 539.48 Sq. meter in T.D. No. 1071 situated at Singar Kovil Street, Vellithiurmutham Village, Srirangam Taluk, Trichirappalli District, the fourth respondent shall register and release the same forthwith. No costs.

07.11.2024

Index : Yes / No
NCC : Yes / No
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W.P.(MD)No.25516 of 2024

WEB COPY

TO:-

- 1.The Special Commissioner and Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai – 14
- 2.The Sub Registrar,
Sub Registrar Officer,
Srirangam.



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W.P.(MD)No.25516 of 2024

G.K.ILANTHIRAIYAN, J.

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Order made in
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