



W.P(MD)No.29528 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.29528 of 2024

G.Venkataraman

... 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 Sub Registrar
Sub Registrar Office,
Srirangam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the third respondent by her proceedings in Na.Ka.No.205-10/2023 dated 11.10.2023 and quash the same as illegal and consequently direct the third 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.I and new Ward-A, Block No.69 in T.S.No.2620/5 and T.S.No.2620/6 admeasuring to an



W.P(MD)No.29528 of 2024

extent of total 8 400 Sq.ft its equivalent to 780.5 sq. meter in T.D.No.1066 situated at Varadhaguru Nagar, Vellithiumutham Revenue Village, Srirangam Taluk, Trichirappalli District without insisting No Objection Certificate from the respondents 1 and 2.

For Petitioner : Mr.K.Mahendran

For RR 1 & 3 : Mr.D.Sadiq Raja
Additional Government Pleader

For R – 2 : Mr.M.Saravanan

ORDER

This Writ Petition has been filed by the petitioner challenging the refusal check slip issued by the third respondent dated 11.10.2023 thereby refusing to register the sale deed which was presented for registration on the ground that the subject property belongs to the second respondent.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The property comprised in Paimass No.347/2B admeasuring to an extent of 2 Acre 76 cents correlated in New



W.P(MD)No.29528 of 2024

S.No.2620, Ward No.I, situated at Vellithiurmutham Village, Srirangam Taluk, Trichirappalli District belonged to one Kovil Kanthadai Vasthula Theshiha Annari Sri Rengachariyar Swamy. He had leased a piece of land in favour of Seetharam Muthuraja on 03.07.1932 and the same was registered vide Document No.1346 of 1932. He had also given another piece of land for lease in favour of two persons by the registered lease deed dated 11.07.1934 and the same was registered as Document No.1381 of 1934. The remaining portion of the land was given lease in favour of one Ramasamy Muthuraja on 24.06.1940 vide registered Document No.1351 of 1940. Thereafter, another part of the property was given lease to the same person, namely Ramasamy Muthuraja on 06.06.1943 registered vide Document No.1527 of 1943. Thereafter, the subject property was mortgaged with Tiruchirappalli Taluk Co-operative Land Mortgage Bank Ltd and availed a loan. Subsequently, the property to an extent of 7200 sq.ft out of 1 Acre 64 cents was sold out in favour one Muthuraja by registered sale deed dated 27.08.1960 vide registered Document No.2138 of 1960. Another piece of land to an extent of 3600 sq.ft was also sold out in favour of one Veeramalai Kothanar vide registered Document No.2139 of 1960. On the same day, the third transaction happened by selling another piece of land to an extent of 3600 sq.ft in favour of one



W.P(MD)No.29528 of 2024

Ayan Raju Muthuraja vide registered Document No.2140 of 1960.

After the said transaction, the subject property comprised in Survey No.2620 was subdivided into Survey No.2620/1. In turn, the said Veeramalai Kothanar had sold out the said land to one Sowmiyavaradhaiyangar by the registered sale deed dated 21.10.1960 vide Document No.2516 of 1960.

4.Subsequently, the said property was leased out in favour of one Chellammal and it was subsequently purchased by the registered sale deed vide Document No.2138 of 1960. Further another piece of land to an extent of 3600 Sq.ft was sold in favour of Veeramalai Kothanar by registered sale deed dated 03.12.1961 vide Document No.2832 of 1961. Further, on the next day the landlords had sold another piece of land to an extent of 3600 Sq.ft in favour of one Ayan Raju Muthuraja by registered sale deed dated 04.12.1961 vide Document No.2831 of 1960. Further, the said Ayan Raju Muthuraja had sold the land to an extent of 3600 Sq.ft in favour of one Kaathayee Ammal by registered sale deed vide Document No.2946 of 1961, which was purchased by him from the landlords through the sale deed dated 27.08.1960. In the year 1964, the landlords leased the subject property with trees to



W.P(MD)No.29528 of 2024

Muthuraja by registered lease deed dated 09.03.1964 vide registered Document No.348 of 1964. Thereafter, on 06.01.1966 the remaining properties of their family were divided by oral partition.

5. Accordingly, the unsold property was allotted to Kovil Kanthadai Vasthula Theshiha Annari Sri Rengachariyar Swamy. During the year 1963, the Madras Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963 (Madras Act 30 of 1963) was enacted by the Government and he claimed ryotwari patta from the revenue authorities as per the said Act with respect to the subject land along with other lands mentioned in Title Deed No.1066. Accordingly, the settlement Tahsildar declared and issued patta in his favour in respect of the land T.S.No.2620/1A under Section 11(2)(b) of the Madras Minor Inam (Abolition and Conversion into Ryotwari) Act 1963. Admittedly, there was no appeal as against the said order, dated 25.08.1969. He died on 26.05.1977 leaving behind his legal heirs. The daughter of the deceased Kovil Kanthadai Vasthula Theshiha Annari Sri Rengachariyar Swamy had executed power of attorney in favour of their mother in order to deal with their share in the subject property. Thereafter, the said land was



W.P(MD)No.29528 of 2024

converted into house sites and sold a plot admeasuring to an extent of 52-½ cents comprised in T.S No.2620/1A to one Thambi Muthuraja vide Document No.5362 of 1997. Thereafter, he executed settlement deed to an extent of 8400 Sq.ft out of 52-½ cents comprised in T.S.No.2620/1A in favour of his four daughters namely Jothi, Thilakavathy, Bagyavathy and Thavaselvi registered vide Document No.2018 of 2009. The four persons had mortgaged the subject property in favour of one Natarajan vide registered Document No.884 of 2011 and availed loan. After discharge of the said loan, the receipt was also registered vide Document No.2208 of 2011. All four daughters had executed a sale deed in favour of one Vijayakumar by the registered sale deed vide Document No.3065 of 2011 to an extent of 4,725 sq.ft out of total area of 8,400 sq.ft in favour of one Vijayakumar. On the same day, they had executed another sale deed in respect of remaining property in favour of one Natarajan vide registered Document No.3066 of 2011.

6. Therefore, both Vijayakumar and Natarajan had jointly executed a sale deed in favour in respect to the property to an extent of total 8,400 sq.ft comprised in T.S.No. 2620 of 1A in favour of the petitioner herein by registered Document No.1704 of 2020.



W.P(MD)No.29528 of 2024

Further, the petitioner was also issued a patta. Thereafter, the petitioner decided to construct an apartment and in order to develop the said property, the petitioner executed a power deed in favour of one Xavier and the same was registered vide Document No.1712 of 2020. Subsequently, another power deed was executed in favour of the same person namely Xavier registered vide Document No.2220 of 2021. The power hold obtained approval from Tiruchirappalli Local Planning Authority on 02.02.2021 and constructed 14 residential plots. Out of 14 plots, 9 residential plots were already sold out and 5 plots remained to be sold out in favour of the third parties. When the petitioner approached the third respondent to register the remaining plots, it was refused by showing the letter issued by the second respondent dated 01.06.2023 thereby requesting the registering authority to withhold the registration in respect of the subject lands. Therefore, the petitioner filed a Writ Petition before this Court in W.P(MD)No.20668 of 2023. While pending the Writ Petition, the petitioner presented the sale deed for registration along with the construction agreement. However, it was refused to register the same and issued a refusal check slip dated 11.10.2023. In the meanwhile, this Court by order dated 06.11.2024 in W.P(MD)No.20668 of 2023, directed the second respondent to conduct enquiry and pass orders under Section 22-A



W.P(MD)No.29528 of 2024

of the Registration Act, 1908, since the Writ Petition was filed challenging the objection raised by the second respondent.

7. On perusal of the counter-affidavit filed by the second respondent would reveal that though the second respondent claimed the subject property and re-settlement 'A' register stands in the name of the second respondent, the second respondent did not produce any piece of evidence to show title over the subject property. In fact, already the petitioner subjected 9 residential plots for registration and got registered in favour of third parties. That apart, the mere objection letter produced by the second respondent, thereby raising objection not to register any document in respect of the subject property cannot serve any purpose without producing any document to prove its title over the subject property. In fact, the Settlement Tahsildar had issued a patta under Section 11(2)(b) of the Madras Minor Inam (Abolition and Conversion into Ryotwari) Act 1963. Since 1932, the property stands in the name of the petitioner's vendor's vendors and there were several transactions as stated supra. All the petitioner's vendor's vendors were in possession and enjoyment of the subject property and subsequently, the petitioner had purchased the property. After



W.P(MD)No.29528 of 2024

purchasing the subject property, the petitioner also developed the same into the residential apartment and sold out so far 9 apartments. The above transactions in respect of the subject property are substantiated by documents annexed with the typedset of papers. In view of the above, the impugned refusal check issued by the third respondent dated 11.10.2023 cannot be sustained and the same is liable to be quashed.

8. Accordingly, the impugned refusal check slip issued by the third respondent dated 11.10.2023 is quashed. The petitioner is directed to represent the sale deed for registration in respect of the subject property. on receipt of the same, the second respondent is directed to register and release the same forthwith.

9. With the above direction, this Writ Petition is allowed.
There shall be no order as to costs.

19.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



W.P(MD)No.29528 of 2024

WEB COPY

To

- 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 Sub Registrar
Sub Registrar Office,
Srirangam.



WEB COPY



W.P(MD)No.29528 of 2024

G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.29528 of 2024

19.12.2024