



W.P.(MD)No.30436 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.30436 of 2023
and WMP(MD) No.26197 of 2023

R.Renganayaki

... Petitioner

Vs

1. The District Registrar,
Tiruchirapalli, Administration Court Compound,
Trichy.

2. The Sub Registrar,
Srirangam, Trichirapalli.

3. The Assistant Commissioner,
Hindu Religious and Charitable Endowments Department,
Srirangam,
Trichy.

4. The Executive Officer,
Sri Renganathar Devasthanam,
Srirangam, Trichy.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 1st respondent, dated 28.03.2023 in Na.Ka. No.3749/A1/2023 and the order of the 2nd respondent in refusal No.140/2020, dated 05.08.2020 and refusal No.200/2020, dated 27.08.2020 annexed in Na.Ka.



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No.724/2022, dated 20.02.2023 and to quash the same as illegal and consequentially directing the 2nd respondent to register the documents in P26/2009, dated 23.02.2009 and P186/2009, dated 18.12.2009 for the property in Flat No.7/G2, Block No.51, Brindavan Apartment, S. No.720, New S. No.2654/2, Door No.7/19, South Devi Street, Srirangam.

For Petitioner : Mr. S.Madhavan

For Respondents : Mr.C.Satheesh (R1,R2)
Government Advocate

Mr.K.S.Selva Ganesan (R3)

Mr.M.Saravanan (R4)

ORDER

This Writ Petition has been filed challenging the order of the 1st respondent, dated 28.03.2023 in Na.Ka. No.3749/A1/2023 and the order of the 2nd respondent in refusal No.140/2020, dated 05.08.2020 and refusal No.200/2020, dated 27.08.2020 annexed in Na.Ka. No.724/2022, dated 20.02.2023 and consequentially directing the 2nd respondent to register the documents in P26/2009, dated 23.02.2009 and P186/2009, dated 18.12.2009 for the property in Flat No.7/G2, Block No.51, Brindavan Apartment, S. No.720, New S. No.2654/2, Door No.7/19, South Devi Street, Srirangam.



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2.Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and the learned counsels appearing for the respondents 3 and 4. Perused the materials on record.

3.When the sale deed presented for registration by the petitioner, refusal check slips have been issued by the second respondent, against which, the petitioner has preferred an appeal before the first respondent, the order of dismissal, dated 28.03.2023 came to be passed. Challenging the same, this writ petition has been filed.

4.The petitioner had purchased a Flat No.7/G2, Block No.51, Brindavan Apartment, S. No.720, (New S.No.2654/2), Door No.7/19, South Devi Street, Srirangam from one Rajakumari Rathinasamy on 23.02.2009 and presented the sale deed for registration. However, it was retained as a pending document in Doc.No.26/2009, since the title over the property was disputed by the 4th respondent. According to the 4th respondent, the subject property belongs to the Temple/4th respondent.



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5.While so, the petitioner has also executed a settlement deed, dated 18.12.2009 in favour of her daughter. It was also kept pending as a pending document in Doc.No.186/2009, since there is no title vested on the petitioner. Thereafter, the petitioner did not take any steps to register the sale deed, though submitted representations.

6.Finally, the second respondent issued a refusal check-slip, dated 20.02.2023 on the ground that the document, which was presented for registration is kept pending for the past 12 years and it is against Rule 22-A of Tamil Nadu Registration Rules, 1983.

7.Aggrieved by the same, the petitioner has preferred an appeal before the first respondent with delay. However, the said appeal was dismissed on the ground of delay.

8.The learned counsel for the petitioner submitted that the 4th respondent merely produced a copy of 'A Register' and claiming title over the



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subject property. The 4th respondent did not even produce any document to show that the 4th respondent/Temple is the owner of the property. If at all any dispute over the title, the 4th respondent ought to have approach the Civil Court. In support of his contention, he has relied upon the decision of this Court in W.P(MD) No.12966 of 2021, dated 20.12.2023, wherein, it is held that the persons, who are claiming right over the property cannot made to await endlessly and the stalemate cannot be continued forever. Therefore, they have to approach the civil Court for declaration in respect of title over the property.

9.On instructions, the learned counsel for the 4th respondent submitted that the temple is the owner of the subject property. In the affidavit, the petitioner has wrongly mentioned the survey number as S.No.720, instead of S.No.760 under T.D.No.1027. Title Deed No.1027 belongs to the Temple/R4 in respect of various properties. In fact, the very same title deed in T.D.No.1027 has been dealt with by this Court in a case of another purchaser in W.P(MD) No.14455 of 2019, dated 25.09.2024. wherein, it is held that the property belonging to the 4th respondent by virtue of title deed No.1027 and the subject property is also the subject matter of the proceedings initiated under the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari Act) 30 of 1963. Ultimately by Judgment and decree,



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dated 23.02.1980 passed in Inam C.M.A.No.65 of 1978, patta was granted in favour of the fourth respondent/Temple. The said order reached its finality.

10.As such, the second respondent rightly refused to register the sale deed presented by the petitioner for registration. Therefore, the petitioner cannot claim title over the property merely on the basis earlier title and possession of the subject property. That apart, the petitioner had presented the sale deed for registration in the year 2009 and it was kept pending in Doc.No.26/2009, based on the objection raised by the 4th respondent and also claimed title over the subject property. Thereafter, the petitioner kept quiet and slept over the matter till 2022. Based on the representation submitted by the petitioner in respect of pending document, the second respondent has issued a refusal check slip on 20.02.2023.

11.Further Section 22-A of Tamil Nadu Registration Rules, 1983 is a bar to register a document, when the property is belongs to the Temple. Therefore, this Court finds no infirmity or illegality in the order passed by the respondents 1 and 2. Hence, this writ petition is liable to be dismissed.



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12. Accordingly, this writ petition stands dismissed. However, liberty is granted to the petitioner to approach the Civil Court, if he is so advised. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes/No
PNM

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ORDER IN

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