



W.P(MD)No.30910 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.30910 of 2023

V.Gomathi,
W/o.Venkatasubramanian alias Rajesh,
Door No.67, Melachithirai Veethi,
Srirangam,
Trichy – 620 006
Represented by her power of Attorney,
T.V.Aanand

... Petitioner

Vs

1.The Joint Commissioner/Executive Officer,
Arulmighu Renganathaswamy Temple,
Srirangam,
Trichy District.

2.The Sub Registrar,
Srirangam,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order in Na.Ka.No.205-11/2023 dated 18.11.2023 passed by the second respondent and quash the same as illegal and consequently direct the second respondent to register the documents pertaining to T.S.No.1190/3B3 (Old Survey No.1190/3) corresponding to Sub Division No.1190/7 in respect of the property measuring (7,290 Sq.ft = 0.0677 Sq.mt.) in Vellithirumutham Village, Srirangam Taluk Ward No.1, New Ward Number A, Block No.35, Trichy District.



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For Petitioner : Mr.R.J.Karthick
For R – 1 : Mr.M.Saravanan
For R – 2 : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner challenging the order passed by the second respondent dated 18.11.2023 thereby refusing to register the sale deed and consideration agreement pertaining to the property comprised in T.S.No.1190/3B3 (Old Survey No.1190/3) corresponding to Sub Division No.1190/7 admeasuring 7,290 Sq.ft situated at Vellithirumutham Village, Srirangam Taluk Ward No.1, New Ward Number A, Block No.35, Trichy District.

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

3.The property comprised in old Survey No.335/1 corresponding to new Town Survey Nos.1190/1 and 1190/3 admeasuring 2 acres 13 cents situated at Vellithirumutham Village, Trichy District originally belonged to one Periyambai Aiyangar and



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his sons namely Srinivasa Aachari, Sundarajachariyar and Rengachariyar. The Inam Fair Register of the year 1865 reflects the name of Perianambi Aiyangar corresponding to T.D.No.1094 as private land. It is also reflected in re-survey and settlement register of the year 1894. Thereafter, they had jointly sold out the subject property along with other properties in favour of one Rengaraj by the registered sale deed dated 01.10.1886 vide Document No.1906 of 1886. Thereafter, the said Rengaraj died leaving behind his only son Srinivas Iyer as his legal heir. After his demise, his legal heirs derived title over the property and they were issued patta. The revenue records were also mutated in the name of S.Rengaraj. The said S.Rengaraj Iyer executed a registered Will dated 10.10.1987 vide Document No.213 of 1987 in favour of his grandson S.Venkatasubramanian alias Rajesh vesting the life estate alone to his wife. He died on 16.12.1998 and his wife also died on 02.04.2001. Thereby grandson namely S.Venkatasubramanian alias Rajesh has got absolute title over the subject property and sold the portion of the land to various third parties. The remaining extent of 70 cents has been sub-divided as Survey No.1190/3B and patta was also issued in his favour. In turn, he settled the southern last portion of the said property admeasuring 7,290 square feet of vacant land comprised in T.S.No.1190/3B3 in favour of his wife V.Gomathi by



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the registered settlement deed vide Document No.1582 of 2016 and sub-divided as Survey No.1190/7. Subsequently, she had given power to the petitioner to deal with the property by the registered power of attorney vide Document No.2003 of 2022. Thereafter, the petitioner obtained necessary planning and building permission from the authority concerned under planning Permit No.91 of 2022/dated 18.08.2022 and by the building permission dated 23.09.2022 constructed 10 plots. Thereafter, four plots were sold out and registered. When the petitioner presented the sale deed and construction agreement for registration, the petitioner was informed that the first respondent raised objections for registering the document.

4.On perusal of the counter-affidavit filed by the first respondent would reveal that the first respondent owns the property comprised in T.S.No.1190/3B3 (Old Survey No.1190/3) corresponding to Sub Division No.1190/7 admeasuring 2 acres 6722 square feet situated at Vellithirumutham Village, Srirangam Taluk, belongs to the first respondent under title Deed No.1094. Therefore, the first respondent raised objection for the registration of any document pursuant to the subject property. However, no document



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has been filed by the first respondent to show that they have title over the subject property. They merely submitted objections and as such, the second respondent refused to register any document in respect of the subject properties. If at all the first respondent has title over the subject property, it has to establish before the civil Court in the manner known to law by adducing proper documents. Therefore, this Court finds infirmity in the order passed by the second respondent, dated 18.11.2023 and it cannot be sustained and the same is liable to be quashed.

5. Accordingly, the order passed by the second respondent, dated 18.11.2023 is quashed and the Writ Petition is allowed. The petitioner is directed to represent the sale deed and consideration agreement before the second respondent and on receipt of the same, the second respondent is directed to register and release the same forthwith. There shall be no order as to costs.

20.11.2024

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



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To

- 1.The Joint Commissioner/Executive Officer,
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Srirangam,
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- 2.The Sub Registrar,
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G.K.ILANTHIRAIYAN, J.

ps

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