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W.P.No. 2563 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2563 of 2025

E.Suresh

.... Petitioner

Vs

1.The District Registrar (Administration)

District Registrar Office

Thiruvallur District

Thiruvallur - 602 001.

2.The Sub Registrar

Ponneri Sub-Registrar Office

Ponneri - 601 204.

3.The Executive Officer

Arulmigu Karikrishna Perumal Thirukoil

Tamil Nadu HR&CE Department

Thiruayarpaadi

Ponneri - 601 204

Thiruvallur District.

... Respondent



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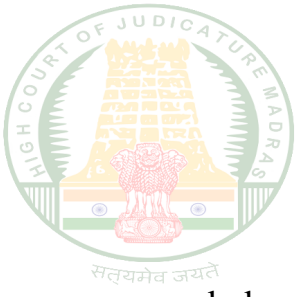
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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent's proceedings in Na.Ka.No.158/2024 dated 12.12.2024 and quash the same as ultravires, arbitrary, unconstitutional, vague, ambiguous and untenable and consequently direct the second respondent to register the petitioner's sale deed dated 26.03.2024 presented for registration before the second respondent in respect of 971 sq.ft., Plot No.7, Sakthi Murugan Nagar, Old Survey No.89/5, New Survey No.89/5A1C, Patta No.7469 Thadaperumbakkam-1 Village, Ponneri Taluk, Thiruvallur District.

For Petitioner : Mr.N.R.Anantha Rama Krishnan
For Respondent : Mr.M.Shahjahan
Special Government Pleader

ORDER

The writ petitioner seeks to quash the proceedings of the second respondent dated 12.12.2024, in and by which the petitioner's sale deed that had been submitted for registration, was not registered by the second respondent.



2. The facts that has led to the filing of the above writ petition is herein

below set out :

- a) It is the case of the petitioner that the land in Krishnapuram Village, Thadaperumbakkam Madura, now known as Thadaperumbakkam-1 Village, Ponneri Taluk, Thiruvallur District was the erstwhile Zamin Village. After the enactment of Tamil Nadu Estates (Abolition and Conversion into Ryotwari Act, 1948) (Act 26/1948), the Government vide its proceedings dated 09.12.1950 and 03.01.1951, had acquired the lands comprised in Survey Nos.77 to 95, excluding the lands in Survey Nos.82/1 and 95/3 of the said Village. Thereafter, by virtue of survey and settlement proceedings, the Settlement Officer had issued Ryotwari Patta to various individuals affirming their possession and enjoyment in the said lands and necessary entries were also made in A-Register. Their rights were once again affirmed during the UDR schemes and their names were duly incorporated in A-Register. These pattadars have been in possession and enjoyment of the land for over six decades. The settlement proceedings had attained finality as the same has not been



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challenged to date.

- b) The petitioner would submit that his vendor one Selvi intended to sell her property at Plot No.7, Sakthi Murugan Nagar, comprised in Survey No.89/5, New Survey No.89/5A1C, Krishnapuram Village, now Thadaperumbakkam-1 Vilalge, Ponneri Village, which she had purchased through a registered sale deed dated 21.01.2022 registered as Doc.No.465/2022 on the file of the second respondent. The petitioner herein had come forward to purchase the said property and had availed a bank loan to a tune of Rs.30.0 lakhs. He had also paid the sale consideration to her vendor Selvi and executed a sale deed. When the petitioner presented the sale deed before the second respondent on 26.03.2024 for registration, he was served with a Refusal Check Slip dated 27.03.2024, citing that as per the order of this Court dated 19.01.2024 in W.P.No.54 of 2024, enquiry was required to be conducted among the parties.
- c) According to the writ petitioner, W.P.No.54 of 2024 was preferred by a set of individuals challenging the order of the Sub Registrar, Ponneri, who is the fourth respondent therein, who by his



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proceedings had refused to register the document presented by those individuals (petitioners in W.P.No.54 of 2024) on the ground that the third respondent-temple herein had sent an objection letter dated 02.09.2023, to the Sub Registrar, Ponneri, not to register the properties situated in certain survey numbers of Thadaperumbakkam-1 Village, which includes the property now purchased by the petitioner, as the said temple claim ownership over the same. This Court, relying upon the judgment of this Court in ***Sudha Ravi Kumar Vs. The Special Commissioner HR&CE, Chennai***, reported in [(2017) 3 CTC 135], had formulated the guidelines to be followed by the Sub Registrar, whenever a claim is made by the religious institutions under Sec.22A of the Registration Act, and disposed of the said writ petition.

- d) This apart, the petitioner herein had approached this Court by way of another writ petition in W.P.No.29335 of 2024 challenging the refusal check slip dated 27.03.2024 citing the order of this Court in W.P.No.54 of 2004. This Court, by placing reliance on the judgment of the Division Bench in (2017) 3 CTC 135, cited supra had



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disposed of W.P.No.29335 of 2024 vide order dated 14.10.2024, in and by which, the Sub Registrar, Ponneri was directed to conduct the enquiry in four weeks time and to pass orders in accordance with law.

- e) Thereafter, the Sub Registrar, Ponneri, the second respondent herein had passed the impugned order in Na.Ka.No.158/2024 dated 12.12.2024, which does not give any conclusive finding.

Hence, the petitioner is before this Court challenging the impugned proceedings.

3. The learned counsel appearing for the petitioner, in support of his contention has brought to the notice of the Court the following events :

- i. Sometime in 1987, one Nipani Krishnasamy Rao claiming to be the trustee of the Arulmigu Veera Anjaneya Swamy Thirukoil, Kummangalam, Ponneri, had made a representation to cancel the patta that was issued to the individuals in Thadaperumbakkam Village, Madura Krishnapuram, by the Settlement proceedings, and to issue patta in his favour. The Special Tahsildar, Natham Updating



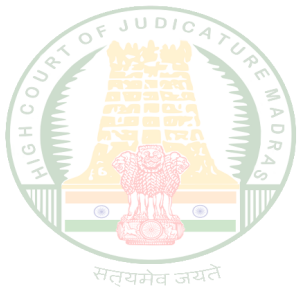
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Scheme by his proceedings in R.P.T.12/87 dated 30.06.1987, had rejected the claim of Nipani Krishnaswami, holding that the Ryotwari patta had been issued pursuant to the Estate Abolition Act and that the said proceedings had attained finality and that the compensation as contemplated under the Act has also been paid.

- ii. The petitioner would also refer to the Public Interest Litigation petition in W.P.No.2354 of 2007 filed by one S.B.Gandhi for cancellation of the patta issued to various individuals in Suvey Nos.77 to 95 of Thadaperumbakkam-1 Village and to issue patta in favour of Arulmigu Veera Anjaneya Swamy Thirukoil. This Court had directed the revenue officials to conduct enquiry and pass orders. Accordingly, the District Revenue Officer, Thiruvallur had conducted a detailed enquiry and by his proceedings dated 14.02.2008 had concluded that there was no scope to cancel the Ryotwari patta granted to the individuals under Act 26/1948 and rejected the petition given by S.B.Gandhi dated 13.08.2007. Challenging this order, the said Gandhi had preferred a revision petition before the Principal Secretary and Commissioner, Land



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Administration, Chepauk, Chennai. The Commissioner after perusing the materials on record, confirmed the findings of the District Revenue Officer, Thiruvallur and dismissed the revision petition by order dated 01.10.2010. This order has not been further challenged and therefore, it had attained finality.

iii. Thereafter, the third respondent herein had submitted an objection petition before the second respondent on 02.09.2023, stating that no registration in respect of the lands in should be entertained. And on the basis of this communication, the registration of the documents had not been entertained by the Sub Registrar, Ponneri as concerning certain properties in Thadaperumbakkam Village, which includes the property of the petitioner herein.

4. Heard the learned counsel for the petitioner and Mr.M.Shahjahan, learned Special Government Pleader who has taken notice for the respondents.

5. A perusal of the records clearly indicates that the third respondent is



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attempting to achieve something indirectly that which he was not able to achieve directly. The petition filed by the third-respondent temple for issuing patta, had been rejected by the Board of Revenue by order dated 19.07.1995 stating that the Ryotwari patta has been granted by the Settlement Authority after enquiry to the persons in possession. It is further seen that pursuant to the orders of this Court, the District Revenue Officer, Tiruvallur, had conducted enquiry and held that the Ryotwari patta were given to the claimants during settlement and their names had been registered as early as in the year 1962 and therefore, the revenue authorities have no jurisdiction to review or cancel the settlement of the pattadars. The said order was challenged by the writ petitioner S.P.Gandhi in a revision petition which is also rejected and a further appeal was made to the Principal Secretary and Commissioner of Land Administration, Chennai. The Commissioner of Land Administration had conducted a detailed enquiry and ultimately by his order dated 01.10.2010, has held as follows :

"14.The petitioner Thiru.S.B.Gandhi who has filed this revision in public interest has failed to verify as to whether the suit lands are recorded in the name of the Temple in the revenue records at any point of time. It is verified from the order dated 30.06.1987 of the Special Tahsildar, the decree of the High Court



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order in O.S.No.60/52 in E.P.51/59 dated 14.3.1959, which the temple trustee has relied upon had been the case filed between the trustee and his relatives for the appointment of the trustee to the temple, and not against the ryotwari patta issued by the Government in favour of claimants. Further the Deputy Tahsildar or any other Revenue authorities has no powers and jurisdiction to interfere with the decisions made during the currency of Settlement. As such the transfer of registry ordered by the Head Quarters Deputy Tahsildar, Ponneri Taluk on 18.06.1967 does not have any legal bearing to alter the ryotwari patta granted under the Act.

15) It is pointed out that except a photocopy of the Head Quarters Deputy Tahsildar's order the petitioner has not furnished any documentary evidence to prove that the lands were vested with the Temple at any point of time. It is the responsibility of the petitioner who claims to be a public litigant, to furnish documentary evidence to substantiate his claim. The entries in the Record of Rights viz., Village "A" Register maintained by the Revenue Department is held to be valid unless it is proved contrary. Since the matter was settled in the year 1962 itself, entertaining such kind of petition after a lapse of 50 years without any credible evidence would certainly unsettle the settled matter. The District Collector has also confirmed that the suit lands are in the effective possession and enjoyment of the present pattadars.



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16) In view of the above discussions, I find no reason to interfere with the orders passed by the District Revenue Officer, Tiruvallur in his Proc.Rc.No.38549/06/B3, dated 14.02.2008. Accordingly the Revision Petition is dismissed as devoid of merits. The stay granted in this office proceeding K4/9802/2008, dated 08.12.2008 is hereby vacated."

6. The said Gandhi had filed a writ petition to cancel the patta that stood in the name of various pattadars and issue patta in favour of the temple. Therefore, the two persons namely Nipani Krishnasamy Rao and S.B.Gandhi were both fighting the battle for the third-respondent temple and one Arulmigu Veera Anjaneya Swamy Thirukoil, Kummangalam, Ponneri, unsuccessfully. Having lost before the Revenue authorities, the third respondent devised a method of lodging an objection to the Sub Registrar and thereby ensuring that the actual owners of the land are prevented from enjoying their property. The temple has not challenged any of the orders of this Court nor have they asserted any right to the property. That being the case, the impugned order suffers from an absolute non-application of mind and the second respondent has failed to appreciate that the third respondent



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has not submitted any documents to show their right to the property.

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7. It is in this circumstances, the writ petition is allowed and the impugned order of the second respondent is set aside. The second respondent, namely, the Sub Registrar, Ponneri, is directed to register the sale deed produced by the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs.

31.01.2025

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
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To:

1.The District Registrar (Administration)
District Registrar Office
Thiruvallur District
Thiruvallur - 602 001.

2.The Sub Registrar
Ponneri Sub-Registrar Office
Ponneri - 601 204.

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P.T.ASHA, J.,

ds

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