



W.P.No. 1912 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.1912 of 2025
and WMP.No.2188 of 2025

J.Murali
Managing Trustee
Shri Alarmelmangai Thayaar Sametha
Shri Prasanna Venkatesa Perumal Devasthanam
Having office at
Perumal Kovil Street
(Madhura) Mettupalayam
West Mambalam, Chennai - 600 033.

.... Petitioner

Vs

1.The Inspector General of Registration
Office of the Inspector General of Registration
100, Santhome High Road, Santhome
Chennai - 600 004.

2.The Sub Registrar
Kundrathur Sub-Registrar Office
Kundrathur, Chennai - 600 069.

... Respondents



W.P.No. 1912 of 2025

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the proceedings culminating to the issuance of the letter dated 19.12.2024 issued by the second respondent and the consequential letters dated 19.12.2024 with respect to pending document No.P836/2024 on the file of the second respondent and to quash the same as illegal and without jurisdiction.

For Petitioner	:	Mr.Sharath Chandran
For Respondents (R1 & R2)	:	Ms.C.Meera Arumugam Additional Government Pleader

ORDER

The above writ petition is filed for a certiorari to quash the proceedings of the second respondent dated 19.12.2024 and the consequential letters of the same date with reference to Doc. No. P836/2024, now pending on the file of second respondent.

2. The facts are briefly set out herein below :



- a) The petitioner who is the Managing Trustee of Shri Alarmelmangai Thayaar Sametha Shri Prasanna Venkatesa Perumal Devasthanam, has filed the writ petition challenging the afore referred letters which have been issued by the second respondent consequent to the lease deed dated 28.11.2024 that was presented for registration before him.
- b) The letters in question are dated 19.12.2024, of which, one was addressed to the HR&CE Department to give their objection for the lease, and the second one was to the Sub Registrar, Poonamallee, asking them to produce the original documents and encumbrance certificate with respect to the subject property of lease.
- c) It is the case of the petitioner that the petitioner-temple is a denominational temple and it is managed and run by the individuals of Baliya Chetty Community, the residents of Mettupalayam, Saidapet, Chennai.



- d) To declare that the temple is a religious denominational institution of Baliya Community, a suit in O.S.No.8692 of 1997 was laid by the members of Baliya Chetty Community against (i) HR&CE Department, (ii) Mettupalayam Public Welfare and Development Association (iii) The Executive Officer, Sri Arulmighu Venkatesa Perumal Temple and other individuals etc.,to. Vide its judgment dated 23.04.2004, the trial Court declared that the temple was a denominational institution belonging to Baliya Community and a permanent injunction was also granted against the defendants to interfere with the management and administration of the said temple.
- e) Aggrieved by the decree of the trial Court, both the Mettupalayam Welfare and Development Association, and the Executive Officer, Sri Arulmighu Venkatesa Perumal Temple, preferred two individual first appeals in A.S.No.268 of 2004 and A.S.No.237 of 2005 respectively before this Court. Both the first appeals came to be dismissed vide



separate judgments, dated 25.02.2008. Thus, the denominational status had been affirmed by a judgment and decree in O.S.No.8692 of 1997 by the learned Additional Judge, City Civil Court, Chennai, and confirmed by this Court in A.S.No.268 of 2004 and A.S.No.237 of 2005.

f) Thereafter, the petitioner had executed a lease deed on 28.11.2024 in favour of M/s.Rajavva Educational Trust, a non-profit educational organisation, imparting education over a period of 4^{1/2} years. The lease deed was presented for registration before the second respondent on the very same date i.e., on 28.11.2024. However, the second respondent had kept the document pending in Doc. No. P836/2024, and had addressed the above referred letters to HR&CE Department and Sub Registrar, Poonamallee.

g) The delay in registering the document has caused hindrance to the temple's administration. Therefore, the petitioner is before this Court challenging the impugned order of the



second respondent dated 19.12.2024 and its consequential letters dated 19.12.2024, referred to above.

3. Heard Mr.Sharath Chandran, learned counsel for the writ petitioner and Mrs.C.Meera Arumugam, learned Additional Government Pleader, who takes notice for the respondents.

4. In spite of the judgment and decree in O.S.No.8692 of 1997 declaring the denominational status of the petitioner's temple, the second respondent addressing a letter dated 19.12.2024 to HR&CE Department, inviting any objection with regard to the registration of the lease deed appears to be erroneous, on the ground that the second respondent seeks to revive the right which had been denied to the HR&CE Department. That apart, the second letter of the same date addressed to the Sub Registrar, Poonammallee by the said respondent, seeking original documents and encumbrance certificate also appears to be a case of over-reach, in the light of the judgments of this Court in *Ramayee Vs The Sub*



W.P.No. 1912 of 2025

Registrar and others - (2020 (6) CTC 697) and P.Pappu Vs. The Sub

Registrar, Rasipuram in W.A.No.1160 of 2024. The temple having established its title and right to the property in O.S.No.8692 of 1997 and that the said judgment and decree has attained finality before this Court, the action of the second respondent is illegal and warrants interference.

5. The writ petition is accordingly allowed and the proceedings of the second respondent and its consequential letters impugned herein, all dated 19.12.2024, are set aside. The second respondent is directed to register the lease deed and release the document within a period to two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

29.01.2025

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

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To:

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Kundrathur, Chennai - 600 069.



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P.T.ASHA, J.,

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