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W.P.No.2404 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.2404 of 2025

W.M.P.No.2711 of 2025

T.Vinothkannan

...Petitioner

Vs

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Tiruppur – 638 004.

2.A/m.Sellandiamman Thirukoil
Represented by its Thakkar,
Vellakovil – 638 111.
Kangayam Taluk,
Tiruppur District.

3.The Sub Registrar,
Sub Registrar Office,
Vellakovil – 638 111.
Tiruppur District.

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, Calling for the records relating to the impugned orders (i) made in Na.Ka.No. 8010/2021 /A4 dated 18.10.2021 issued by the 1st respondent (ii)passed by the 2nd respondent dated 08.12.2022 and (iii) Refusal Check Slip in RFL



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/ Vellakovil / 61/ 2024 dated 17.12.2024 passed by the 3rd Respondent quash the same and consequently direct the 3rd respondent to register the discharge receipt dated 16.12.2024 and any other documents in future in respect of the property measuring 2310 sq.ft bearing R.S. No.1706/ 2A old S.F. No. 572/A, Vellakovil Village, Kangayam Taluk , Tiruppur District.

For Petitioners : Mr.N.Manoharan

For Respondents : Mr.S.Ravichandran(For R1 & R2)
Additional Government Pleader
M/s.C.Meera Arumugam (For R3)
Additional Government Pleader

ORDER

The Writ Petition is filed for the following relief:-

To call for the records relating to the impugned orders (i) made in Na.Ka.No. 8010/ 2021 /A4 dated 18.10.2021 issued by the 1st respondent (ii)passed by the 2nd respondent dated 08.12.2022 and (iii) Refusal Check Slip in RFL / Vellakovil / 61/ 2024 dated 17.12.2024 passed by the 3rd Respondent quash the same and consequently direct the 3rd respondent to register the discharge receipt dated 16.12.2024 and any other documents in future in respect of the property measuring 2310 sq.ft bearing R.S. No.1706/ 2A old S.F. No. 572/A, Vellakovil Village, Kangayam Taluk , Tiruppur District.



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2.It is the case of the petitioner that one Kumarandi Pandaram had sold an extent of 9.91 acres in old S.F.No.572/A, Vellakovil Village, Kangayam Taluk, Tiruppur district, to one Valliammal under a sale deed dated 09.06.1932. On 31.12.1967, the Tahsildar III, Gobichettipalayam had instituted suo moto proceedings in S.F.No.572/A and passed an order excepting the claim of the second respondent Temple. Aggrieved by this order Chidambara Pandaram and two others filed C.M.A.No.290 of 1968 and Duraisamy Gounder filed C.M.A.No.291 of 1968 before the Sub Court/Minor Inams Tribunal, Coimbatore. The appeals were allowed holding that the appellants 1 and 3 in C.M.A.No.290 of 1968 were entitled to get patta under Section 8 (2) (i) (b) of the Act, 1963. On 05.07.1994 Valliammal had executed a settlement deed gifting an extent of 9.87 acres in S.F.No.572/A to her nephew Chidambara Pandaram. On 25.06.1996, the Tahsildar, Kangayam had ordered a grant of patta in the name of Chidambara Pandaram and another in the place of the second respondent Temple. Chidambara Pandaram became the absolute owner of the 4.49 acres and the chitta and RSR extracts were given to the said Chidambara Pandaram.



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WEB COPY 3. On 23.08.1971, Chidambara Pandaram sold an extent of 2310

sqft in Old S.F.No.572/A to one Velayuthasamy Asari and Velayuthasamy Asari in turn sold the property to one Devudusamy Asari on 07.09.1989. He in turn sold the property to one Dhandapani under a sale deed dated 18.02.1999 and on 17.03.2003, Dhandapani sold the property to Rahmathunisha. Rahmathunisha in turn had sold the property to Ashangoya and Abdul Harim under a sale deed dated 16.02.2009 and they in turn sold the property to petitioner on 10.07.2020

4. After the purchase, the petitioner had mortgaged the property on 03.09.2020 to the Karur Vysya Bank, Vellakovil and borrowed a loan of Rs.50,000/-. On 18.10.2021, the first respondent had passed the impugned order objecting to the registration of documents in old S.R.No.572/A by misquoting the order dated 31.12.1967. When the said order was challenged, the DRO had passed an order dated 30.11.2022 stating that the claim of the second respondent on the basis of the order dated 31.12.1967 cannot be sustained in the light of the decree in C.M.A.Nos.290 & 219 of 1968 dated 18.09.1970. The petitioner had discharged the mortgage loan to the Bank and when the discharge



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summary receipt was presented before the third respondent, the third respondent issued the refusal check slip on the ground that the second respondent had raised objection. Therefore, the Writ Petition.

5. Heard the learned counsels on either sides and perused the records. The learned Additional Government Pleaders takes notice on behalf of the respondents 1 to 3.

6. In the order in C.M.A.Nos.290 and 291 of 1968 dated 18.09.1970, the Sub Court/Minor Inam Tribunal, Coimbatore, has declared the right of the petitioner's predecessor's title to the property. The said order has not been challenged by the second respondent, therefore, the order has attained finality and is binding on the second respondent. Having suffered the order, and the revenue records having been mutated in the name of the subsequent owners, the second respondent cannot attempt to create a right by addressing a communication to the third respondent now when the receipt is presented for registration. The impugned order on the basis of this communication is totally misconceived and the reasons for refusal to register cannot be sustained. Therefore, the Writ Petition is allowed and the impugned



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orders are set aside. Consequently, a mandamus is issued to the third respondent to register the aforesaid document within a period of four weeks from the date of receipt of copy of this order.

7. With the above directions, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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