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W.P No. 9879 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-03-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 9879 of 2025

V.Rathinasabapathy
S/o.Velusamy, No.4/314c
Poorandampalayam, Pachampalayam, Annur
Taluk, Coimbatore District-641 107

...Petitioner

Vs

1. The Secretary To Government
Hindu Religious And Charitable Endowment
Department, Fort St.George, Chennai-600 009

2.The Assistant Commissioner
O/o.Assistant Commissioner, Hindu Religious And
Charitable Endowment Department,
Coimbatore-641 018

3.The Fit Persons
Arulmigu Ullur Vinayagar And Bhagavathi Amman
Temple, Mopperipalayam, Coimbatore

4.The Sub Registrar
Annur Sub Registration Office, Annur Coimbatore

...Respondents



W.P No. 9879 of 2025

WEB PRAYER

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandcalling for the records pertaining to the proceedings of the 4th respondent dated 8.1.2025 in Mu.AA2/2025 and quash the same and consequently direct the 4th respondent to duly register the Settlement Deed dated 6.1.2025 pending with the 4th respondent as Document No.P2 in Block of the year 2025 in a time bound manner

For Petitioner : Ms.V.S.Usha Rani
For Respondents : Mr. S. Ravichandran - For R1 To R3.
Mr. K.Karthik Jagannath
Govt Advocate - For R4.

ORDER

This writ petition has been filed challenging the proceedings of the 4th respondent to register the settlement deed dated 06.01.2025 pending on the file of the 4th respondent and to release the settlement deed.

2. When the matter came up for hearing on 26.03.2025, it was brought to the notice of this Court that another writ petition pertaining to the same issue has been filed in W.P.No.11473 of 2023 by one Thirumagal, and it was contended that the order passed on 26.07.2024 in that writ petition will enure in favour of the petitioner also . In the light of the said submission, this Court directed the learned Additional



W.P No. 9879 of 2025

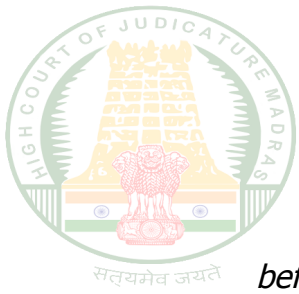
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Government Pleader appearing on behalf of the respondents 1 to 3 to take instructions.

3. Learned Additional Government Pleader on instructions submitted that the temple has already taken steps to file a suit in order to establish their right over the property. He further submitted that no appeal was filed against the order dated 26.07.2024 passed in W.P.No.11473 of 2023.

4. Taking into consideration the facts and circumstances of the case and the submissions made on either side, this writ petition can be disposed of in line with the earlier order passed by this Court in W.P.No.11473 of 2023 dated 26.07.2024. The relevant portion in the order is extracted hereunder:

" 7. I have perused entire materials available on record. It is not in dispute that the patta has been issued under section 8 [2] [1] [b] of the Tamil Nadu Minor Inams [Abolition and Conversion into Ryotwari] Act, 1963. While granting patta, the Special Tahsildar has been directed to fix fair rent. The Special Tahsildar

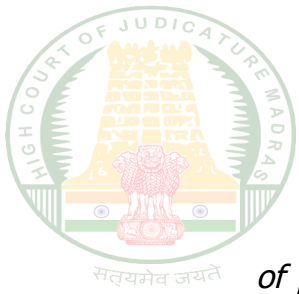


W.P No. 9879 of 2025

WEB COPY

before fixing fair rent issued notice to the Assistant Commissioner, Hindu Religions Charitable Endowment Department and fixed the fair rent in the year 1971. Aggrieved over the fair rent fixed by the Special Tahsildar, an appeal has been filed before the appellate authority and the same has been allowed on 11.02.1974. The matter was once again remanded to Special Tahsildar for refixation of fair rent. However, it appears that after remanding, refixation has not been done. In the meanwhile, the petitioner had purchased the property. Thereafter, the petitioner has made a representation for refixation of the consideration amount and as the same has not been done, the petitioner has filed a Writ Petition in W.P.14439 of 2016 and as per the Order of this Court, the consideration amount has been refixed and the petitioner purchased the property. Further, it is seen that the petitioner has also executed a mortgage deed, which has also been registered as per the directions of this Court in W.P.No.39123 of 2016. Even thereafter, when the petitioner presented the supplementary Memorandum of Deposit of Title Deeds, the same was refused to be registered citing their earlier letter issued by the authorities.

8. It is relevant to note that as far as registration is concerned, the title cannot be decided by the Sub Registrar. Rights



W.P No. 9879 of 2025

WEB COPY

of parties will be governed based on the their title and the earlier documents, unless there is an Order from the competent Court.

*This aspect has been elaborately dealt by this Court in **Subramani***

Vs. 1.The Sub-Registrar, Office of the Sub-Registrar,

Rasipuram. 2. The Inspector General of Registration,

Chennai [W.P.No.11056 of 2024, dated 26.04.2024]. It is to

be noted that even issuance of the patta under the Act 30 of 1963

will not be a bar to the temple to file a suit to establish their right.

In the event, they succeed, they can recover the property as per

the Hindu Religious Charitable and Endowment Act. Though the

Hindu Religious Charitable Endowment Department has not been

put in notice in the proceedings of the year 2016, they were put on

notice in the proceedings of the year 1971 which went against

them. In such view of the matter, the documents presented by the

petitioner cannot be refused to be registered citing their earlier

letter, which has already been quashed by this Court in

W.P.No.39123 of 2016."

5. Accordingly, the impugned proceedings of the fourth respondent dated 08.01.2025 is hereby quashed and there shall be a direction to the fourth respondent to register the settlement deed dated 06.01.2025, if it is otherwise in



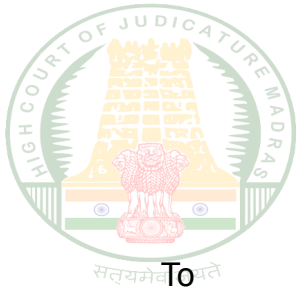
W.P No. 9879 of 2025

WEB COPY

order. As stated in the earlier order cited supra, there will be no bar for the temple to file a suit and establish their right over the property. In the result, this writ petition is allowed in the above terms. No costs.

28-03-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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W.P No. 9879 of 2025

WEB COPY

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W.P No. 9879 of 2025

N.ANAND VENKATESH J.

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W.P No. 9879 of 2025

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