



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

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CORAM :

THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P. No. 21948 of 2025

K.Shanmugam

... Petitioner(s)

Vs.

1. The Sub Registrar,
Moolanur SRO,
Tiruppur District.

2. A/m. Angalamman Thirukoil,
Represented by its Executive Officer,
Punjai Thalaiyur,
Dharapuram taluk,
Tiruppur District.

... Respondent(s)

Prayer: This Writ Petition has been filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip in RFL/Moolanur/14/2025 dated 20.03.2025 passed by the 1st respondent, quash the same and consequently direct the 1st respondent to register the Settlement Deed dated 20.03.2025 executed by the petitioner in favour of petitioner's son S.Vijayakumar, in respect of the property measuring 30 cents comprised in S.F.No.544, Punjaithalaiyur Village, Dharapuram Taluk, Tiruppur District.

For Petitioner(s) : Mr.N.Manokaran

For R1 : Mr.U.Baranidharan
Special Government Pleader



For R2 : Mr.NRR.Arun Natarajan
Special Government Pleader

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ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed praying for a writ of certiorarified mandamus, to quash the impugned Refusal Check Slip in RFL/Moolanur/14/2025 dated 20.03.2025 passed by the 1st respondent, and consequently direct the 1st respondent to register the Settlement Deed dated 20.03.2025 executed by the petitioner in favour of petitioner's son S.Vijayakumar, in respect of the property comprised in S.F.No.544, Punjaithalaiyur Village, Dharapuram Taluk, Tiruppur District.

3. It is submitted by the learned counsel for the petitioner that the property comprised in S.F.No.544, admeasuring 18.25 acres, situated in Punjaithaliyur Village, Dharapuram Taluk, Tiruppur District, was originally granted as unenfranchised Devadayam Minor Inam Lands to the 2nd respondent as per the TD No.1322. Subsequently, the entire extent in S.F. No.544 was



vested with the Government, pursuant to Section 3 of the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari Act), 1963 (hereinafter referred

to as “the Act”) . However, the lands were under possession and enjoyment of Mr.K.S.Nachimuthugounder and Mr.R. Muthusamygounder. It is further submitted that Settlement Tahsildar, Gobichettipalayam, initiated suo moto proceedings in S.R.No.2864/1970/MI Act/Dharapuram Taluk, wherein Mr.K.S.Nachimuthugounder and Mr.R.Muthusamygounder made a claim that they continued to be in legal possession of the lands by way of Kudivaram right and that they are eligible to get Ryotwari Patta. Settlement Tahsildar passed an order dated 29.09.1970, accepting the claim of the 2nd respondent. Aggrieved by the order Mr.K.S.Nachimuthugounder and Mr.R.Muthusamygounder filed C.M.A.No.678 of 1971, before the Sub Court/Minor Inam Tribunal, Coimbatore and the same was allowed on 30.01.1973, wherein it was held as under:

"Settlement Tahsildar, Gobi do issue patta to the appellants in respect of 18.25 acres in S. No. 544 of Punjaithalaiyur Village, Dharapuram Taluk under Sec. 8(2)(1)(b) of the Act subject to payment of consideration as may be prescribed under the Rules, and that the appellants do pay to R2, a sum of Rs. 15/- for costs"

3.1. It is submitted by the learned counsel for the petitioner that pursuant to the above order, the Settlement Tahsildar issued an order in CR 142/72, cancelling the patta granted to the 2nd respondent under Sec. 8(2)(ii) of the Act and granted patta to Mr.K.S.Nachimuthugounder and Mr.R.Muthusamygounder



under Sec. 8(2)(i) (b) of the Act, 1963. Subsequently,

Mr.K.S.Nachimuthugounder and Mr.R.Muthusamygounder partitioned the property vide partition deed in Doc. No.1511/1959, dated 02.12.1959, wherein R.Muthusamygounder 9.12 ½ acres and K.S.Nachimuthugounder was allotted remaining 9.12 ½ acres. Accordingly, they were in possession and enjoyment of their respective property.

3.2. It is submitted by the learned counsel for the petitioner that after the demise of Mr.R.Muthusamygounder, his share of property was inherited by his son, M.Chandrasekaran, and grandson, C.Velmurugan. Petitioner purchased said property from M.Chandrasekaran and C.Velmurugan by way of a sale deed dated in Doc.No.274/2009 dated 26.02.2009 and mutation was effected in Patta No.341 dated 10.01.2016.

3.3. It is submitted by the learned counsel for the petitioner that the petitioner executed a Settlement Deed dated 20.03.2025, in favour of his son, S.Vijayakumar and presented it for registration. However, 1st respondent had refused to register the settlement deed by issuing impugned Refusal Check Slip order dated 20.03.2025. The reason stated in the refusal check slip is as under:

“அரசு நிலம்/இந்து அறநிலைய ஆட்சித்துறை/வஃகப்
வாரியம்/பூமிதான நிலம்/ப-சமி நிலங்கள் போன்றவை”



WEB COPY 3.4. It is submitted by the learned counsel for the petitioner that the reason stated by 1st respondent in refusal slip that the subject property is Government Land/Temple Land is wholly erroneous. Learned counsel for the petitioner placed reliance upon the Division Bench order of this Court in the case of Sudha Ravi Kumar and another v. Special Commissioner and Commissioner and others, reported in, 2017 SCC OnLine Mad 19191, wherein it was held that registrar is bound to act on the basis of the Ryotwari patta issued by the authority concerned and the authority shall not refuse to register and certain guidelines has also been issued as to the manner in which the registering authority ought to have conducted an enquiry if there is any objections raised by temple authorities. The relevant portion is extracted hereunder:

“24. Therefore, in our considered view, once patta has been issued under either the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948, Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963 and the Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963 it is for the temple to establish its title before the Civil Court. The registrar is bound to act on the basis of the ryotwari patta issued by the authority concerned and he shall not refuse to register the said deeds. As we have already pointed out the remedy for the religious institution is to approach the civil court for appropriate remedy.”

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“26. In view of the above discussions, all the writ petitions are allowed and the impugned orders are set aside with the following directions:

(i) The registering authority before whom the document has been presented shall cause service of notice on the parties to the deeds and also to the objector/religious institution, hold summary enquiry, hear the parties and then either register or refuse to register the document by passing an order having regard to the relevant facts as indicated above.

(ii) If the registering authority, refuses to register any document by accepting the objections raised under Section 22-A of the Registration Act, the aggrieved may file a statutory appeal under the Act.

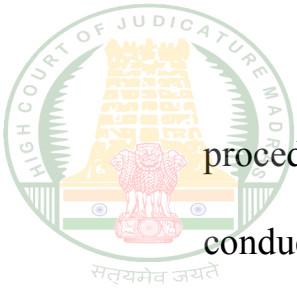
(iii) If the objections raised under Section 22-A of the Act by the religious institution are rejected and the document is registered, the remedy for the religious institution is to either approach this Court by way of a writ petition seeking cancellation of the registration or for any other relief or to approach the civil Court for declaration of the title and for other consequential reliefs.

(iv) If the registering authority refuses to register the document acting on the objections raised by a religious institution under Section 22-A of the Registration Act, the parties to the deed will be at liberty to straightaway approach the Civil Court for declaration of title and other relief without availing the opportunity for filing a statutory appeal.

(v) We further direct that if the deed has already been registered without there being any objection by the religious institution under Section 22-A of the Act, the document shall be returned to the parties concerned leaving it open for the religious institution to approach either the High Court under Article 226 of the Constitution of India or the Civil Court for appropriate relief as indicated above. At any rate, the registering authority shall not withhold the deed which has already been registered.

(vi) Consequently the connected miscellaneous petitions are closed. No costs.”

4. When this was pointed out the learned Special Government Pleader appearing for 1st respondent would submit that they would go through the



procedure contemplated in the case of Sudha Ravi Kumar, whereby they will conduct an enquiry and thereafter the decide the petitioner's request for registration.

5. In view thereof, the impugned order is set aside. It is open to the petitioner to re-present the Settlement Deed for registration. On such re-presentation the same would be registered if it is otherwise in order. If for any reason the Settlement Deed is sought to be refused by the registering authority on the premise that the subject property is temple lands, then the procedure contemplated under Sudha Ravi Kumar's case shall be complied with. It is always open to the petitioner to furnish documents to establish his title.

6. Accordingly, the writ petition stands disposed of. No costs.

23.06.2025

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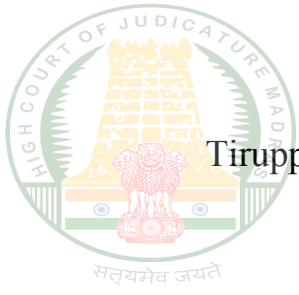
Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

To:

The Sub Registrar,
Moolanur SRO,



Tiruppur District.

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W.P. No.2194





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W.P. No.2194



MOHAMMED SHAFFIQ, J.

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