



WEB COPY



WP.No.38709 of 2024

In the High Court of Judicature at Madras

Dated : 06.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.38709 of 2024 &
WMP.Nos.41910 & 41912 of 2024

1.P.V.Subramanian

2.M.Dinakaran

...Petitioners

Vs

1.The Inspector General of
Registration, No.100,
Santhome High Road,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai-28.

2.The Deputy Inspector General
of Registration, Office of the
Deputy Inspector General of
Registration, Combined
Registration Office Campus,
Veppamaratheru, Velappadi,
Vellore District.

3.The District Registrar
(Administration), Vellore
District, Vellore.

4.The Sub-Registrar,
Gudiyattam, Vellore District.

5.A.K.Prakasam

6.The Executive Officer, Arulmigu
Pidari Kalamman Thirukoil,
Pichanoor Village, Gudiyattam
Taluk, Vellore District.

...Respondents



WP.No.38709 of 2024

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relevant to the order in No.6537/E2/2022 dated 25.4.2023 passed by the third respondent is totally illegal, improper and unreasonable and to quash the same and thereby direct the respondents to restore the sale deeds in doc.Nos.7966/2010 and 10867 of 2015 on the file of the fourth respondent.

For Petitioners	:	Mr.B.Sundarapandian
For R1 to R4	:	Mr.Shahjahan, SGP
For R6	:	Mr.N.R.R.Arun Natarajan, SGP (HR & CE)

ORDER

Challenging the proceedings of the third respondent dated 25.4.2023 cancelling the sale deeds (i) dated 08.10.2010 registered as doc.No.7966 of 2010 and (ii) dated 11.12.2015 registered as doc.No.10867 of 2015 on the file of the fourth respondent and to issue a consequential direction to the respondents to restore the same, the petitioner is before this Court.

2. Heard the learned counsel for the petitioners, the learned Special Government Pleader accepting notice for respondents 1 to 4 and the learned Special Government Pleader accepting notice for the sixth respondent.



WP.No.38709 of 2024

3. The case of the petitioner is as follows :

(i) The properties measuring acre 1.17 cents in S.No.297/2 and measuring 30 cents in S.No.205, Pichanur Village, Gudiyattam Taluk, Vellore District were purchased by the petitioners vide sale deed dated 08.10.2010 registered as doc.No.7966 of 2010 on the file of the fourth respondent from three persons. Prior to that, the subject properties were enjoyed by various persons. Ever since the date of purchase, the petitioners are in possession and enjoyment of the subject properties. However, to their shock and surprise, respondents 5 and 6 made a claim that the subject properties belong to the sixth respondent.

(ii) Later, Arulmigu Kalamman Thirukoil Thiruvizha Matrum Thirupani Kuzhu Trust represented by its President namely the fifth respondent filed W.P.No.29050 of 2018 seeking a direction to the Joint Commissioner, Tamil Nadu Hindu Religious and Charitable Endowment Department, Sathuvachari, Vellore District and the Executive Officer, Arulmigu Kalamman Thirukoil, Pichanoor Village, Gudiyattam Taluk, Vellore District to take appropriate action to protect the subject properties under the provisions of the Hindu Religious and Charitable Endowment Act and to direct the Revenue Divisional Officer, Vellore District and the Tahsildar, Gudiyatham Taluk, Vellore District to restore the patta in respect of the subject properties in the name of the temple. In the said writ petition, the petitioners and the vendors of the



WP.No.38709 of 2024

petitioners were also added as the party respondents. The said writ petition was disposed of on 08.11.2018 directing the Tahsildar, Gudiyatham Taluk to conduct an inquiry in respect of the subject properties and forward a report to the Revenue Divisional Officer, Vellore District, who was, in turn, directed to pass appropriate orders within a time frame.

(iii) Pursuant to the earlier directions of this Court, patta was granted in favour of the sixth respondent. On coming to know about the same, the petitioners sent a representation dated 19.2.2024 to the District Collector, Vellore District seeking to cancel the patta granted to the sixth respondent. As the said representation was not considered, the petitioners filed W.P.No.13753 of 2024 before this Court seeking a direction to the revenue officials to consider the said representation and to cancel the patta granted to the sixth respondent. W.P.No.13753 of 2024 was disposed of on 06.6.2024 directing the District Collector, Vellore District to dispose of the representation of the petitioners dated 19.2.2024.

(iv) In the meantime, the fifth respondent sent a representation dated 30.9.2022 to respondents 1 to 3 to cancel the sale deeds (i) dated 08.10.2010 registered as doc.No.7966 of 2010 and (ii) dated 11.12.2015 registered as doc.No.10867 of 2015 on the file of the fourth respondent. Based on that, the third respondent conducted an



WP.No.38709 of 2024

inquiry and passed the impugned order. Hence the writ petition. As against the impugned order, the petitioners also filed an appeal dated 12.3.2024 to the first respondent.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

5. In the light of the judgment of a Division Bench of this Court in the case of ***M.Kathirvel Vs. Inspector General of Registration, Department of Registration and Others [reported in 2024 (4) CTC 769]***, the impugned order dated 25.4.2023, in and by which, the two sale deeds (i) dated 08.10.2010 and (ii) dated 11.12.2015 have been cancelled by the third respondent, cannot be sustained.

6. Accordingly, the writ petition is allowed and the impugned cancellation order is set aside. No costs. Consequently, the connected WMPs are closed.

06.1.2025

RS



WEB COPY



WP.No.38709 of 2024

P.T.ASHA,J

RS

To

- 1.The Inspector General of Registration, No.100,
Santhome High Road, Mandavelipakkam,
Raja Annamalaipuram, Chennai-28.
- 2.The Deputy Inspector General of Registration,
Combined Registration Office Campus,
Veppamaratheru, Velappadi, Vellore District.
- 3.The District Registrar (Administration),
Vellore District, Vellore.
- 4.The Sub-Registrar, Gudiyattam,
Vellore District.
- 5.The Executive Officer, Arulmigu Pidari
Kaliyaman Thirukoil, Pichanoor Village,
Gudiyattam Taluk, Vellore District.

WP.No.38709 of 2024 &
WMP.Nos.41910 & 41912
of 2024

06.1.2025