



WP Nos.38229 of 2025 etc batch

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 38229 of 2025

AND

WP NO. 38233 OF 2025, WP NO. 38238 OF 2025, WP NO. 38338 OF 2025

Vishveshwara Developers, LLP,
Represented By Its Authorized Representative,
Avinash Balasubramaniam,
Having Its Registered Office At F-39, Phase 1
Spencer Plaza, No.769,
Anna Salai, Chennai-600 002.

Petitioner in all W.Ps

Vs

1.The State Of Tamil Nadu,
Represented By Its Secretary,
Commercial Taxes And Registration Department,
St. Fort George, Chennai-600 009.

2.The Inspector General Of Registration,
100, Santhome High Road, Mylapore,
Chennai, Tamil Nadu-600 028.



WP Nos.38229 of 2025 etc batch

3.The District Registrar,
District Registrar Office, South Chennai,
Integrated Building For Office Of The
Commercial Taxes And Registration Department,
Fanepet, Nandanam, Chennai-600 035.

4.The Sub Registrar,
Virugambakkam, 47/5, Arcot Rd,
Udhayam Colony, Lambert Nagar,
Virugambakkam, Chennai-600 083.

5.Hindu Religious And Charitable Endowments
Department,
Represented By Its Commissioner,
127 Yadava St, Gopal Nagar, Padi Chennai,
Tamil Nadu-600 050.

6.Arulmigu Vadapalani Aandavar Kovil
Devasthanam,
Represented By Its Deputy Commissioner
/Executive Officer,
Palani Andavar Koil St. Vadapalani,
Chennai-600 026.

Respondents in all W.Ps

PRAYER in WP No. 38229 of 2025:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, directing the 4th respondent herein to register the Subject Instrument viz., Document No.P/Virugambakkam/317/2025 dated 21.08.2025 and all other future documents pertaining to land comprised in Old Survey No.49 present T.S.



WP Nos.38229 of 2025 etc batch

No.82/2 and Old Survey No.37/1A Part, Present T.S.No.86, in Block No.21 along with the residential Apartment known as “ARIHANT MELANGE” situated at Gandhi Nagar, Agathiyar street, Saligramam Village, Mambalam Taluk, Chennai District -600 093.

PRAYER in WP No. 38233 of 2025:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, directing the 4th Respondent herein to register the Subject Instrument viz., Document No.P/Virugambakkam/300/2025 dated 14.08.2025 and all other future documents pertaining to land comprised in Old Survey No.49 present T.S. No.82/2 and Old Survey No.37/1A Part, Present T.S. No.86, in Block No.21 along with the residential Apartment known as “ARIHANT MELANGE” situated at Gandhi Nagar, Agathiyar street, Saligramam Village, Mambalam Taluk, Chennai District -600 093.

PRAYER in WP No. 38238 of 2025:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, directing the 4th respondent herein to register the Subject Instrument viz., Document No. P/Virugambakkam/316/2025 dated 21.08.2025 and all other future documents pertaining to land comprised in Old Survey No.49, present T.S. No.82/2 and Old Survey No.37/1A Part, present T.S. No.86, in Block No.21 along with the residential Apartment known as “ARIHANT MELANGE”



WP Nos.38229 of 2025 etc batch

situated at Gandhi Nagar, Agathiyar street, Saligramam Village, Mambalam Taluk, Chennai District -600 093.

PRAYER in WP No. 38338 of 2025:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, directing the 4th respondent herein to register the subject instrument viz document no. P/Virugambakam /320/2025 dated 22.08.2025 and all other future documents pertaining to land comprised in Old Survey No. 49 present T. S No. 82/2, Old Survey No. 37/1A part present T. S No. 86 in Block No. 21 along with a residential apartment known as “ARIHANT MELANGE” situated at Gandhi Nagar, Agasthiyar Street, Saligramam Village, Mambalam Taluk, Chennai District 600 093.

W.P.Nos.38233 & 38238 of 2025

For Petitioner(s): Mr.Sathish Parasaran
Senior Counsel
for Mr.G.Vivekanand

For Respondent(s): Mr. P. Harish
Government Advocate
For R1 To R4.
Mr.K.Karthikeyan
Government Advocate (HR & CE)
For R5.
Mr.R.Bharanidharan For R6



WP Nos.38229 of 2025 etc batch

WEB COPY

WP Nos.38229 & 38338 of 2025

For Petitioner(s): Mr.V.Raghavachari
Senior Counsel
for Mr.G.Vivekanand

For Respondent(s): Mr. P. Harish
Government Advocate
For R1 To R4.
Mr.K.Karthikeyan
Government Advocate (HR & CE)
For R5.
Mr.R.Bharanidharan For R6

COMMON ORDER

These writ petitions have been filed by the petitioner seeking to direct the 4th respondent to register the subject instruments viz., Document No.P/Virugambakkam/317/2025 dated 21.08.2025; Document No.P/Virugambakkam/300/2025 dated 14.08.2025; Document No. P/Virugambakkam/316/2025 dated 21.08.2025 and Document no. P/Virugambakam /320/2025 dated 22.08.2025 and all other future documents pertaining to land comprised in Old Survey No. 49 present T. S No. 82/2, Old



WP Nos.38229 of 2025 etc batch

WEB COPY

Survey No. 37/1A part present T. S No. 86 in Block No. 21 along with a residential apartment known as “ARIHANT MELANGE” situated at Gandhi Nagar, Agasthiyar Street, Saligramam Village, Mambalam Taluk, Chennai District 600 093.

2.Mr.V.Ragavachari, learned Senior Counsel and Mr.Sathish Parasaran, learned Senior Counsel for Mr.C.Vivekanand, learned counsel for the petitioner would submit that the petitioner purchased the subject property from the St.Joseph College, Tiruchirappalli, by virtue of sale deed dated 25.09.1990. Thereafter, the petitioner through his Power of Attorney M/s.Arihant Foundations and Housing Limited (Developer) developed the subject property and after the development of property, they intend to sell the same. However, the 4th respondent/Sub-Registrar refused to register the sale deeds and issued the refusal check slips on the ground that the 6th respondent made an objection to register the subject property since the subject property belongs to the Temple.



WP Nos.38229 of 2025 etc batch

WEB COPY

3.Learned Senior Counsel would further submit that, in the present case, the petitioner's vendor i.e Society of St.Joseph College, Tiruchirappalli, filed a suit for declaration in O.S.No.11346 of 2010, seeking to declare them as the owner of the subject property comprised in Old survey No.49, present Town survey No.82/2, Old No.37/1A part, present T.S.No.86 situated at Saligramam, Chennai, before the City Civil Court, Chennai. The said suit came to be decreed on 10.12.2011. Aggrieved over the judgment and decree made in O.S.No.11346 of 2010, the appeal suit was filed in A.S.No.36 of 2012 by the 6th respondent. The said appeal suit was dismissed confirming the decree passed in the suit filed by the petitioner's vendor vide judgment and decree dated 21.03.2016. Against which, the Special Leave Petition in S.L.P (Civil)No.27973 of 2018 was preferred by the 6th respondent, which was also came to be dismissed on 16.11.2018. Thereafter, a Curative Petition was also filed by the 6th respondent on the ground that some of the vital documents are not produced before the Courts and subsequently it was traced out. However, the said Curative Petition



WP Nos.38229 of 2025 etc batch

also got dismissed. Under such circumstances, the Temple has now made an objection before the Sub-Registrar stating that the subject property belongs to them, which is un-sustainable.

4.Learned Senior Counsel would also submit that the ownership of the petitioner's vendor over the subject property stood confirmed beyond dispute and it was validity conveyed to the petitioner and as on date, the petitioner is in possession of the property. After purchasing the subject property, the petitioner developed the same, by constructing 99 flats and all the flats got sold out and only the registration is pending. Therefore, the petitioner is the original owner of the subject property since the suit filed by the petitioner's vendor attained finality. Without taking into consideration of the same, the 4th respondent had refused to register the documents submitted by the petitioner. Hence, the present writ petition.



WP Nos.38229 of 2025 etc batch

WEB COPY

5.On the other hand, learned counsel appearing for the 6th respondent/ Temple would submit that some of the vital documents were not available at the time of contesting the suit filed by the petitioner's vendor and now they have traced out the documents and through such documents, they came to know that not only the petitioner's property, the adjacent property was also belongs to the Temple and the Civil Suit has already been filed by the Temple and the same is pending.

6.In reply, learned Senior Counsel for the petitioner would submit that if the 6th respondent is capable of producing the documentary evidence to substantiate their ownership over the subject property, they can very well contest the case. However, they cannot object the 4th respondent/Sub-Registrar to register the documents presented by the petitioner claiming that they are the owner of the subject property when the suit filed by the petitioner's vendor was decreed and attained finality at the highest level of Hon'ble Supreme Court. In



WP Nos.38229 of 2025 etc batch

WEB COPY

the event, if the 6th respondent still claiming right over the subject property, it is upto the Temple to contest the matter before the Civil Court.

7.Learned Government Advocate appearing for the 4th respondent would submit that since the 6th respondent made an objection ,they are not in a position to register the document and if any order is passed by this Court, they same will be complied with.

8.Heard Mr.V.Raghavachari, learned Senior Counsel and Mr.Sathish Parasaran, learned Senior Counsel appearing for Mr.C.Vivekanand, learned counsel for the petitioner; Mr.P.Harish, learned Government Advocate and Mr.S.Ravichandran, learned Additional Government Pleader appearing for the Official respondents as well as Mr.R.Baranidharan, learned counsel for the 6th respondent and perused the materials available on record.



WP Nos.38229 of 2025 etc batch

WEB COPY

9.Considering the submissions made by either parties, it is evident that the dispute is pertaining to the property situated at old S.No.49 and new T.S.No.82/2 and Old.S.No.37/1A Part , present T.S.No.86, situated at Saligramam, Chennai. The total extent of the property is about 1.59 acres. There was a dispute regrading the ownership of the property between the petitioner's vendor and the 6th respondent / Temple. The petitioner's vendor had filed a suit for declaration in O.S.No.11346 of 2010 before the City Civil Court, Chennai and obtained a decree in his favour on 10.12.2011. Aggrieved over the same, the 6th respondent filed appeal suit in A.S.No.36 of 2012 against the judgment and decree made in suit filed by the petitioner's vendor. However, the appeal suit got dismissed on 21.03.2016. Against which, SLP.(Civil)No.27973 of 2018 was preferred by the 6th respondent, which was also dismissed on 16.11.2018. Subsequently, a Curative Petition was filed by the 6th respondent on the ground that the Temple has traced out some of the vital documents to prove their ownership. However, the Hon'ble Supreme Court had dismissed the curative petition as well. Under such circumstances, the subject property was



WP Nos.38229 of 2025 etc batch

sold to the petitioner and the petitioner had developed the subject property by constructing 99 flats and all those flats were also got sold. When the petitioner presented the sale deeds for registration, the 4th respondent rejected the same on the ground that the 6th respondent had made a objection.

10.While such being the case, this Court is of the view that the dispute regarding the ownership of the subject property was already decided in favour of the petitioner's vendor and it attained finality at the highest level of Hon'ble Supreme Court. At this stage the 6th respondent/Temple cannot claim right over the property and raise an objection to register the documents presented by the petitioner. If at all the 6th respondent still claims the ownership of the property on the ground that the petitioner's vendor had obtained judgment and decree by playing fraud, it is upto the 6th respondent/Temple to approach the Civil Court. However, since the ownership regarding the subject property has already been decided and attained finality, the petitioner has right to sell the subject property and the 6th respondent cannot disrupted the same.



WP Nos.38229 of 2025 etc batch

WEB COPY

11. Accordingly this Court directs the 4th respondent to register the sale deeds in Document No.P/Virugambakkam/317/2025 dated 21.08.2025; Document No.P/Virugambakkam/300/2025 dated 14.08.2025; Document No. P/Virugambakkam/316/2025 dated 21.08.2025 and Document no. P/Virugambakkam /320/2025 dated 22.08.2025, forthwith, once it is re-presented by the petitioner, if it is otherwise in order.

12. With the above directions, this writ petition is disposed of. No costs.

06-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WP Nos.38229 of 2025 etc batch

WEB COPY

1.The State Of Tamil Nadu,
Represented By Its Secretary,
Commercial Taxes And Registration Department,
St. Fort George, Chennai-600 009.

2.The Inspector General Of Registration,
100, Santhome High Road, Mylapore,
Chennai, Tamil Nadu-600 028.

3.The District Registrar,
District Registrar Office, South Chennai,
Integrated Building For Office Of The
Commercial Taxes And Registration Department,
Fanepet, Nandanam, Chennai-600 035.

4.The Sub Registrar,
Virugambakkam, 47/5, Arcot Rd,
Udhayam Colony, Lambert Nagar,
Virugambakkam, Chennai-600 083.

5.Hindu Religious And Charitable Endowments
Department,
Represented By Its Commissioner,
127 Yadava St, Gopal Nagar, Padi Chennai,
Tamil Nadu-600 050.



WEB COPY



WP Nos.38229 of 2025 etc batch

KRISHNAN RAMASAMY J.

rst

WP No. 38229 of 2025
AND WP NO. 38233 OF 2025,
WP NO. 38238 OF 2025,
WP NO. 38338 OF 2025

06-11-2025