



W.P.(MD)No.185 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.185 of 2025

and

W.M.P.(MD)No.163 of 2025

1. Sethu Rani
2. Mummoorthy

... Petitioners

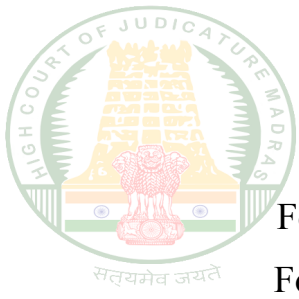
Vs.

1. The District Registrar,
Registration Department,
Madurai (South),
Madurai.
2. Sri Gurunatha Swami Temple,
No.16, Sanjeevi Naidu Street,
Anuppanadi,
Madurai – 9.

..Respondents

***(R2 is impleaded, vide order, dated 23.01.2025,
in W.M.P.(MD)No.924 of 2025 in W.P.(MD)No.
185 of 2025)***

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order Na.Ka.8584/A2/2021 passed by the 1st respondent District Registrar, Madurai South, dated 16.09.2022 and to quash the same as illegal and consequently, to direct the 1st respondent to remove the entry in Encumbrance Certificate regarding Doc. Nos.4908/2006 and 5030/2006 within time frame stipulated by this Court.



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W.P.(MD)No.185 of 2025

For Petitioner

: Ms.B.Bhuvaneshvari

For R1

: Mr.S.Saji Bino

Special Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order Na.Ka.8584/A2/2021 passed by the 1st respondent District Registrar, Madurai South, dated 16.09.2022 and consequently, to direct the 1st respondent to remove the entry in Encumbrance Certificate regarding Doc.Nos.4908 and 5030 of 2006 within time frame stipulated by this Court.

2.The contention of the petitioner is that the said documents registered in Doc.Nos.4908 and 5030 of 2006 are gift deed executed by the petitioners' mother in favor of the first petitioner and the second petitioner respectively. Through the impugned order, the 1st respondent has cancelled the registration of the gift deeds. The 1st respondent had made contra entry stating that the gift deeds are fraudulent deeds and some of the properties belong to the 2nd respondent temple.

3.The learned Counsel appearing for the petitioners submitted that only Survey No.102/3 belongs to the temple and the other properties belong to the



W.P.(MD)No.185 of 2025

petitioners only. Since the Survey No.102/3 is also gifted to the petitioner along with the rest of the properties, the entire sale deeds cannot be considered as fraudulent documents.

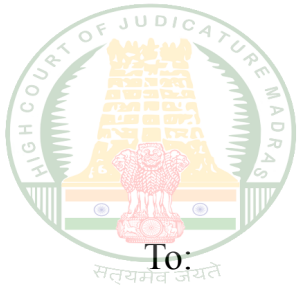
4.On perusal of the deeds, it is seen that the Survey No.102/3 alone belongs to the 2nd respondent temple and the other lands belongs to the petitioners' mother and their ancestors. Therefore, the entire documents cannot be declared as fraudulent documents.

5.Therefore, the impugned order is quashed. The 1st respondent is directed to pass appropriate orders covering Survey No.102/3 alone. Consequently, the entry of the impugned order may be deleted and a modified order shall be entered in the encumbrance certificate. The above said modifications shall be carried out within a period of four weeks from the date of receipt of a copy of this order.

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

25.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Tmg



W.P.(MD)No.185 of 2025

To:

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The District Registrar,
Registration Department,
Madurai South,
Madurai.



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W.P.(MD)No.185 of 2025

S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.185 of 2025**

DATED : 25.06.2025