



W.P.(MD)No.626 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.626 of 2025

1. K.Balasubramanian
2. K. Arjunan ... Petitioners

/Vs./

1. The Special Commissioner and
Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai - 14.
- 2 . The Joint Commissioner
Sri Renganatha Swami Temple,
Hindu Religious and Charitable Endowment Department,
Srirangam, Trichy.
3. The Sub Registrar,
Sub Registrar Officer,
Srirangam. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the 3rd respondent by her proceedings in Na.Ka. No.205-34/2024 dated 09.12.2024 and quash the same as illegal and consequently direct the 3rd respondent to register the Sale Deeds or settlement deeds or any other



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documents when it presented for registration by the petitioners with respect to the property bearing in Municipal Old Ward No.I and New Ward - A Block No.45 in TS No.1508/1A1B at measuring to an extent of 514 Sq. Ft. out of 11771 Sq. Ft. is equivalent to 47.75 Sq.mtr in TD No.1061 situated at Saraswathi Garden Raghavendrapuram third street, Shankar Nagar, Vellithirumutham Revenue Village, Srirangam Taluk, Tiruchirappalli District, without insisting No Objection Certificate from the respondents 1 and 2.

For Petitioners : Mr.K.Mahendran

For Respondents : Mr.D.Sadiq Raja

Additional Government Pleader for R1&3

: Mr.M.Saravanan,

Standing Counsel for R2

ORDER

This Writ Petition has been filed challenging the refusal check slip issued by the third respondent dated 09.12.2024, thereby refused to register the sale deed in respect to the property bearing in Municipal Old Ward No.I and New Ward - A Block No.45 in TS No.1508/1A1B at measuring to an extent of 514 Sq. Ft. out of 11771 Sq. Ft. is equivalent to 47.75 Sq.mtr in TD No.1061 situated at Saraswathi Garden



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Raghavendrapuram third street, Shankar Nagar, Vellithirumutham
Revenue Village, Srirangam Taluk, Tiruchirappalli District.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The property bearing in Municipal Old Ward No.I and New Ward - A Block No.45 in TS No.1508/1A1B in TD No.1061 situated at Saraswathi Garden, Raghavendrapuram third street, Shankar Nagar, Vellithirumutham Revenue Village, Srirangam Taluk, Tiruchirappalli District, to an extent of 9 Acres 40206 sq.ft. originally belonging to one Srinivasan Chetty. He had given the subject property to one Ramasamy Muthiraiyan as lease on 03.07.1926 and the same has been registered vide document No.1730/1926.

4. Thereafter, the said Srinivasan Chetty executed a Will in favour of his wife, viz., Renganayaki Ammal. After the demise of the said Srinivasan Chetty, his wife Renganayaki Ammal is the sole legal heir. Thereafter, the said Renganayaki Ammal adopted one Krishnamoorthy



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Chettiyar as her stepson vide registered adoption deed. Hence, both are an absolute owners of the subject property. In the year 1951, both had executed and equitable mortgage deed and the same was registered by the third respondent. Further, in the year 1962, the said Renganayaki Ammal had executed a settlement deed in favour of her son, viz., Krishnamoorthy Chettiyar and the same was also registered.

5. On perusal of the settlement A register of the year 1930, it revealed that the subject property stands in the name of Renganayaki Ammal and others, who had purchased the part of the property. Thereafter, during the year 1963, the Madras Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963, was enacted and the said Renganayaki Ammal and others claimed Ryotwari patta. Accordingly, the title deed was issued in T.D.No.1061 in their favour. On suo-motu enquiry initiated by the settlement Tahsildhar under the Madras Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963, for the purpose of granting patta for the land situated at Vellithirumutham village, Tiruchirappalli. Accordingly, the said Renganayaki Ammal and others were issued patta and it become final, since no appeal was filed as



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against the order passed by the settlement Tahsildhar. After the demise of the said Renganayaki Ammal, his son, viz., Krishnamoorthy and his family members devolved the subject property as family partition. In view of the family partition D schedule property was allotted to one Revathi, who is the daughter of said Krishnamoorthy and she was the absolute owner of the subject property. In turn, he executed a sale deed in favour of one Veerayi ammal. In turn, the said Veerayi ammal executed a Will to her grandson, viz., Subramanian and his wife and another son, viz., Arjun. After the demise of said Veerayi ammal, the Will executed by her had come into force and to that effect, the subject property was devolved to said Subramanian and his wife, viz., Sindhanaiselvi. Thereafter, the said Subramanian died leaving behind his wife and daughter and his mother as legal heirs. After his demise, the property was equally devolved by the legal heirs. On 12.06.2018, the said Sindhanaiselvi, who is the wife of Subramanian executed settlement deed in favour of the first petitioner and his brother, viz., Arjunan and the mother of Subramanian, namely, Mookkayi executed a settlement deed in favour of her grand daughter, viz., Nithya Sri. Thereafter, the said Nithyasri executed a settlement deed in favour of her mother. In turn, she



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executed a settlement deed in favour of the first petitioner and his brother, K.Arjunan, viz., second petitioner. On 20.06.2022, the petitioners executed a gift deed in favour of Thiruchirappalli Corporation Commissioner on behalf of the Tamil Nadu Governor for the purpose of Common pathway (Road) and the same was registered as document No.2190/2022. In view of the transactions, dated 12.06.2018 and 05.09.2019 the said Sindhanaiselvi, the first petitioner and his brother K.Arjunan, viz., second petitioner are an absolute owners of the subject property, measuring to an extent of 11771 sq.ft. Out of 13161 sq.ft (remaining extent of 1390 sq.ft was already gifted to pathway) in T.S.No.1508/1A1B in T.D.No.1061 situated at old Ward-1, New Ward-A, Block No.45, Shankar Nagar, Vellithirumuthatham village, Srirangam Taluk, Tiruchirappalli District and patta also stands in their name.

6. While being so, one D.Balan was willing to purchase an undivided shares of the land at measuring to an extent of 514 sq.ft out of 11771 sq.ft is equivalent to 47.75 sq.mtr and also proposed to be constructed a multi tenement residential apartment upon the land in the name and style of “Seven Hills Sai Adhisesa”, in co-operation of the



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purchaser of similar undivided shares. Therefore, on 09.12.2024, the petitioners along with said Balan appeared before the third respondent and presented the documents for registration and the same was refused to register the document.

7. On perusal of the counter affidavit and on the submission made by the learned Additional Government Pleader, it revealed that the second respondent simply claimed subject property as owner as if the settlement Tahsildar issued patta under title deed No.1061 and the same is also reflected in A register, whereas, on perusal of the title deed and the A register in respect of the subject property stands in the name of Renganayaki Ammal and as such the second respondent failed to produce any document to show that the title stands in the name of the second respondent.

8. In view of the above, the impugned check slip issued by the third respondent dated 09.12.2024 cannot be sustained and the same is liable to be quashed, accordingly, quashed. The petitioners can very well deal with the subject property to execute any document. The petitioners



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are directed to re-present the sale deed dated 09.12.2024 for registration before the third respondent. On receipt of the same, the third respondent is directed to register and release the same forthwith, if it is otherwise in order.

9. With the above observation, this Writ Petition stands allowed.

No costs.

Internet : Yes/No
NCC : Yes / No
LS

24.01.2025

TO:-

1. The Special Commissioner and
Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai - 14.
- 2 . The Joint Commissioner
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G.K.ILANTHIRAIYAN, J.

LS

Order made in
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(2/2)