



W.P.(MD)No.970 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.01.2025**

CORAM:

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

W.P.(MD)No.970 of 2025

N.Ramasubramanian

... Petitioner

/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 respondents in her proceedings in Na.Ka.No. 205-20/2023 dated 08.07.2024 and quash the same as illegal and consequently direct the 3rd respondent to register the MOD or Sale Deeds or Settlement Deeds or any other Deeds when it presented for registration by the



W.P.(MD)No.970 of 2025

petitioner with respect of the subject property in bearing Old T.S.Nos. 1804/1 and 1805/B2 in Old Ward No.2 Old Block No.34 at Present New Ward-B Block No. 70 New T.S.No. 2857 Plot No.52 in T.D.No. 1102 at measuring to an extent of 1800 sq.ft which is equivalent to 167.22 sq.mtr of plot alongwith door No.10 in House building in 800 sq.ft and namely, “Iyyappan Kudil” constructed thereon and all other buildings amenities with all usual pathway and easement rights including thereon, situated at “Iyyappan Kudil”, 3rd street, Srinivasa Nagar, Thiruvanaikovil, within the limits of Tiruchirappalli City Corporation, without insisting No Objection Certificate from the second respondent.

For Petitioner : 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 order passed by the third respondent dated 08.07.2024 and consequently direct the 3rd respondent to register the MOD or Sale Deeds or Settlement Deeds or any other Deeds when it presented for registration by the petitioner with respect of the subject property in bearing Old T.S.Nos. 1804/1 and



W.P.(MD)No.970 of 2025

1805/B2 in Old Ward No.2 Old Block No.34 at Present New Ward-B Block No. 70 New T.S.No. 2857 Plot No.52 in T.D.No. 1102 at measuring to an extent of 1800 sq.ft which is equivalent to 167.22 sq.mtr of plot alongwith door No.10 in House building in 800 sq.ft and namely, “Iyyappan Kudil” constructed thereon and all other buildings amenities with all usual pathway and easement rights including thereon, situated at “Iyyappan Kudil”, 3rd street, Srinivasa Nagar, Thiruvanaikovil, within the limits of Tiruchirappalli City Corporation, without insisting No Objection Certificate from the second respondent.

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

3. The property bearing in Old T.S.No. 1804/1 and 1805/B2 in old Ward No.2, old Block No.34, at present New ward No.B, Blcok No.70, New T.S.No.2857 in T.D.No.1102 situated at Vellithirumuthatham Village, Srirangam Taluk, Tiruchirappalli District, to an extent of 1800 sq.ft. originally belonging to one Kodialam Vasudeva Iyengar. After his demise, his legal heirs derived the title over the property and had



W.P.(MD)No.970 of 2025

partitioned the same by the partition deed dated 15.10.1925, vide document No.275/1926.

4. It is evident from the A register as well as the partition deed dated 15.10.1925. Thereafter, the subject property was allotted in favour of K.V.Rengasamy Iyengar. In turn, he sold the many pieces of land and also settled some part of the land for laying road. The remaining property owned by the said Vasutheva Iyengar.

5. On perusal of the settlement A register of the year 1930, it revealed that the subject property stands in the name of Vasutheva Iyengar and six 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 Vasutheva Iyengar and others claimed Ryotwari patta. Accordingly, the title deed was issued in T.D.No.1102 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



W.P.(MD)No.970 of 2025

village, Tiruchirappalli. Accordingly, the said Vasutheva Iyengar and others were issued patta and it become final, since no appeal was filed as against the order passed by the settlement Tahsildhar. The said said Vasutheva Iyengar died on 07.08.1988, leaving behind his wife, viz., Jeyam Amma, and his only son, viz., K.V.Rangaswami, and his grand son. Therefore, the legal heirs had 1/3rd share in the subject property. His wife viz., Jeyam Amma had executed Will on 14.04.1999 in respect of his share. After the demise of the said Jeyam Amma, the Will came into force and the legal heirs become the absolute owners of the property.

6. While being so, the petitioner had purchased the subject property from the legal heirs. In order to develop the said property, the petitioner intended to sell the part of the property and had executed sale deed in favour of third party and presented for registration. However, it was refused to register on the ground that the subject property belonged to the second respondent on the objection raised by the second respondent.



W.P.(MD)No.970 of 2025

WEB COPY

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.1102 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 Vasutheva Iyengar 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 08.07.2024 cannot be sustained and the same is liable to be quashed, accordingly, quashed. The petitioner can very well deal with the subject property to execute any document. The petitioner is directed to re-present the sale deed dated 08.07.2024 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.



W.P.(MD)No.970 of 2025

WEB COPY

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

No costs.

Internet : Yes/No
NCC : Yes / No
LS

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TO:-

1. The Special Commissioner and
Commissioner,
Hindu Religious and Charitable Endowment Department,
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W.P.(MD)No.970 of 2025

G.K.ILANTHIRAIYAN, J.

LS

Order made in
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Dated:
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