



W.P.(MD)No.1456 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.1456 of 2025

S.Sujatha

... Petitioner

/Vs./

1. The Special Commissioner and Commissioner,
Hindu Religious and Charitable
Endowments 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 Office,
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 impugned refusal Check Slip issued by the 3rd respondent by her proceedings in Na.Ka.No.29/2025 and refusal No. RFL/ Srirangam/ 2/2025 dated 09.01.2025 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 documents when it presented for registration by the petitioners with respect to the property bearing in T.S.No. 10/2 at



W.P.(MD)No.1456 of 2025

measuring to an extent of 2617 sq.ft out of 57 1/2 in 2 acres 30 cents lands in T.D.No. 1045 and 1046 situated at Nelson Road, Panjakarai Town, Srirangam Municipal ward No.2, Block No.1, Vellithirumutham village, Srirangam Taluk, Trichirappalli District, without insisting No objection Certificate from the respondents 1 and 2.

For Petitioner : Mr.K.Mahendran

For Respondents : Mr.M.Sarangan

Additional Government Pleader for R1&3

: Mr.M.Saravanan, standing counsel for R2

ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the third respondent dated 09.01.2025 and consequently direct the 3rd respondent to register the MOD or Sale deeds or settlement deeds or any other documents when it presented for registration by the petitioners with respect to the property bearing in T.S.No. 10/2 at measuring to an extent of 2617 sq.ft out of 57 1/2 in 2 acres 30 cents lands in T.D.No. 1045 and 1046 situated at Nelson Road, Panjakarai Town, Srirangam Municipal ward No.2, Block No.1, Vellithirumutham village, Srirangam Taluk, Trichirappalli District, without insisting No objection Certificate from the respondents 1 and 2.



W.P.(MD)No.1456 of 2025

WEB COPY

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The learned counsel for the petitioner would submit that when the petitioner presented the settlement deed in respect of the subject property, the same was refused by the third respondent on the ground that objection raised by the temple. Hence, seeks direction of this Court.

4. Counter has been filed by the second respondent to the effect that the temple owns the subject property by virtue of title deed Nos.1045 and 1046 and in the re-settlement 'A' Register also indicates that the said property belongs to the temple. Therefore, as per Section 22A of the Registration Act, there is a bar to register the document presented by the petitioner. According to the second respondent, the subject property belongs to the temple and the impugned order does not require any interference by this Court.



W.P.(MD)No.1456 of 2025

WEB COPY

5. It is also stated that the temple has filed a suit in O.S.No.98 of 2010 before the Principal District Court, Trichy, in respect of the subject property and the same was decreed. Challenging the same, appeals have been filed before this Court in A.S.Nos.143 and 193 of 2014 and the same was allowed and decree made in O.S.No.98 of 2010 was set aside holding that without seeking declaration, the suit for recovery of possession is not maintainable.

6. Though the counter clearly indicates that the property belongs to the temple, a perusal of 'A' Register in the year 1970 annexed in the typed set of papers indicates that the property stood in the name of one Appavu Poosari and the title has been established in a proper manner, the registration of the document cannot be denied merely citing the letter addressed by the authority.

7. In such view of the matter, the impugned order passed by the third respondent dated 09.01.2025 is hereby set aside and this Writ Petition is allowed. The third respondent is directed to register the



W.P.(MD)No.1456 of 2025

document presented by the petitioner within a week from the date of receipt of a copy of this order. If the temple succeeds in the civil suit or appeal, it is always open for them to retrieve the property as per the provisions of the Hindu Religious and Charitable Endowment Act. No costs.

30.01.2025

Index : Yes / No
NCC : Yes / No
LS

TO:-

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Chennai - 14.
2. The Joint Commissioner
Sri Renganatha Swami Temple,
Hindu Religious and Charitable Endowment
Department, Srirangam, Trichy.
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W.P.(MD)No.1456 of 2025

G.K.ILANTHIRAIYAN, J.

LS

Order made in
W.P.(MD)No.1456 of 2025

Dated:
30.01.2025