



W.P.(MD)No.1759 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.01.2025**

CORAM:

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

W.P.(MD)No.1759 of 2025

P.Mohan

... 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 order and refusal check slip issued by the 3rd respondent by her proceedings in Refusal Order Na.Ka.No. 205/37/2025 and Refusal Check Slip Refusal No. RFL/ Srirangam/1/2025 dated 07.01.2025 and quash the same and consequently direct the 3rd respondent to register the Sale Deeds or settlement deeds or MOD or any other documents when it presented for registration by the petitioner with



W.P.(MD)No.1759 of 2025

respect to the subject property in Old T.S.No. 750 and New T.S.No. 2575 in Municipal Old Ward No.02 and New Ward No.B in Old Block-18 New Block No.55 in plot No.B-19 at measuring to an extent of 3831.695 sq.ft of land contained in T.D.No.1029, situated at Varadhachari street, Rega Nagar Colony, Vellithirumutham village, Srirangam Taluk, Tiruchirappalli District, without insisting No objection certificate from the respondents 1 and 2.

For Petitioner : Mr.K.Mahendran

For Respondents : Mr.S.P.Maharajan

Special 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 dated 07.01.2025 and consequently direct the 3rd respondent to register the Sale Deeds or settlement deeds or MOD or any other documents when it presented for registration by the petitioner with respect to the subject property in Old T.S.No. 750 and New T.S.No. 2575 in Municipal Old Ward No.02 and New Ward No.B in Old Block-18 New Block No.55 in plot No.B-19 at measuring to an extent of 3831.695 sq.ft of land contained in T.D.No.1029, situated at Varadhachari street,



W.P.(MD)No.1759 of 2025

Rega Nagar Colony, Vellithirumutham village, Srirangam Taluk, Tiruchirappalli District, without insisting No objection certificate from the respondents 1 and 2.

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 Srirangam Co-operative Building Society limited acquired the land to an extent of 31.08 Acres comprised in S.Nos.733, 734/2, 747, 748, 749, 750, 753, 754, 755, 756, 757, 758/1, 759, 1791-2A-2I, 1801/2 and 1800 situated at Vellithirumutham village, Srirangam Taluk, Tiruchirappalli District. Subsequently on receipt of the representation from the respective land owners comprised in S.No.1801, further reduction in the extent of Town Survey No.1801, 1 Acre 2549 sq.ft was ordered by the Government and finally the area under acquisition was only 23 Acres and 23397 sq.ft. or 23.5 Acres. The subject property bearing in Old T.S.No.750 and New T.S.No.2575 in Municipal old Ward No.02 and New ward No.B in old Block – 18, New Block No.55, in plot



W.P.(MD)No.1759 of 2025

No.B-19 measuring an extent of 6853 sq.ft. of land contained in T.D.No. 1029, situated at Varadhachari street, Renga Nagar Colony, Vellithirumutham village, Srirangam Taluk, Tiruchirappalli District, belongs to “Kallakudiyadava and Karaikattuyadava Communities”, Srirangam which also acquired for Srirangam Co-operative Building Society.

4. After passing an award under Award No.40/51 dated 28.11.1951, the entire compensation amount has been paid and the entire acquired land was registered in favour of the Society on the file of the third respondent. There was no challenge the acquisition proceedings or the award passed by the second respondent in respect of the subject land. Therefore, the respondents 1 and 2 have no right or title over the subject property. Thereafter, the Society let out the subject property and subdivided in to house site. The house sites were sold to his members. In fact, the Society also mortgaged the said property and availed loan from the Government of Tamil Nadu vide document No.2733/1960. Subsequently, the release deed was executed in favour of Society on 12.03.1970 vide document No.499/1970. In turn, the Society had



W.P.(MD)No.1759 of 2025

conveyed the plot No.B-19 measuring 6853 sq.ft in favour of one P.K.Narayana Rao registered vide sale deed dated 09.01.1959 in document No.51/1958. Thereafter, he constructed a house and sold piece of land in the subject property on 24.09.1990 by way of three sale deed in favour of three persons. The first sale deed was executed in favour of V.P.Venkatraj, to an extent of 1050 ½ sq.ft. out of 6853 sq.ft land comprised in T.S.No.750 and the same was registered as D.No. 2374/1990. The third sale deed was executed to an extent of 1147 sq.ft registered vide document No.2376/1990. Therefore, the remaining extent of land admeasuring 3831.695 sq.ft with the house, he was in possession and enjoyment of P.K.Narayana Rao. After his demise, his legal heirs derived title over the property, the legal heirs had appointed one power of attorney N.Krishnan, to deal with the property and the power deed was registered vide document No.998/2016 dated 04.04.2016. The power holder had sold out the property in favour of the petitioner by way of sale deed dated 07.01.2025 and presented the sale deed for registration.



W.P.(MD)No.1759 of 2025

WEB COPY

5. At that juncture, the second respondent raised objections and refused to register the same. The title deed under T.D.No.1029 has already been dealt with by this Court in W.P.(MD)No.1464 of 2020, by order dated 12.02.2020 and allowed the writ petition. The relevant portion is extracted hereunder:

“8. It is made clear that in a case, where the temple claims title to a property, the temple should give the list of document of title to prima facie satisfy the registering officer that the temple has lawful claim against the property referred to in such objection. After satisfying that the properties belongs to the temple as per the old revenue records or that the temple has a lawful claim against any strangers, the third respondent is expected to entertain such objection. When further objection is received from the HR & CE Department, the third respondent is directed to hold an enquiry after giving opportunity to the person, who present the document for registration and others, who are interested, including HR & CE Department and take a decision in accordance with law. The procedure directed by this Court referred to above shall be followed by the Registering Officer in all cases in future. Since there is no objection by the



W.P.(MD)No.1759 of 2025

WEB COPY

temple or H.R.&C.E. Department and the absolute title of petitioner is admitted, the Writ Petition deserves to be allowed.”

6. In view of the above, the second respondent had no title over the subject property and the third respondent ought not to have refused to register the sale deed in favour of the petitioner. In view of the above, the impugned refusal check slip issued by the 3rd respondent, dated 07.01.2025 cannot be sustained and the same is liable to be quashed, accordingly, quashed. The petitioner is directed to represent the sale deed for registration. On receipt of the same, the third respondent is directed to register and handover the same, forthwith, if it is otherwise in order. Accordingly, this writ petition is allowed. No costs.

30.01.2025

Index : Yes / No

NCC : Yes / No

LS

TO:-

1. The Special Commissioner and Commissioner,
Hindu Religious and Charitable
Endowments Department, Chennai 14



WEB COPY



W.P.(MD)No.1759 of 2025

G.K.ILANTHIRAIYAN, J.

LS

2. The Joint Commissioner
Sri Renganatha Swami Temple,
Hindu Religious and Charitable Endowment
Department, Srirangam, Trichy.
3. The Sub Registrar
Sub Registrar Office,
Srirangam.

Order made in
W.P.(MD)No.1759 of 2025

Dated:
30.01.2025