



W.P.(MD) No.6035 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

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1.A.Prabhavathi

2.B.Sujatha

3.R.Brindha

4.S.Muralikrishnan

5.S.Ravichandran

6.V.Bhanumathi

7.S.Kasthuri Rangan

... Petitioner

-VS-

1.The Sub Registrar
Srirangam Registration Office
Gandhi Road
Srirangam
Trichy-620 006

2.The Executive Officer
Arulmigu Sri Renganathaswamy Temple
Srirangam
Trichy-620 006



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3.The Tahsildar
Srirangam Taluk
Tiruchirappalli District
[R3 is *suo moto* impleaded *vide* this Order]

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to register the document for alienation in respect of the property Plot No.C-19, now Door No.10/9, measuring an extent of 3600 sq.ft., in Seshadri Street (also referred to as Varadhachari Road), comprised in T.S.No.750, present Survey No.2605, Ward No.B, Block 56, Renganagar, Vellithirumutham Village, Srirangam, Trichy, which was purchased by the petitioners' grandmother under a registered sale deed dated 19.06.1953, bearing document No.1465/53, with the first respondent herein, without seeking no objection letter from the second respondent.

For Petitioner : Mr.P.R.Krishnaraj

For Respondents : Mr.P.T.Thiraviyam
Government Advocate for R1
Mr.M.Saravanan for R2



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ORDER

The petitioners seek a writ of mandamus to direct the first respondent to register the sale deed in respect of the property bearing Plot No.C-19, Door No.10/9, measuring an extent of 3600 sq.ft., in Seshadri Street, comprised in T.S.No.750, New Survey No.2605, Ward No.B, Block 56, Renganagar, Vellithirumutham Village, Srirangam, Trichirappalli District, without seeking for no objection from the Executive Officer / second respondent.

2. The case of the petitioners is that one Thulasi Ammal had been benefited with an allotment of the subject property by Srirangam Co-operative Building Society Limited, in the year 1953. The said property was alienated by the said Society in favour of the the said Thulasi Ammal by way of a registered sale deed dated 19.06.1953 and registered as document No.1465 of 1953 on the file of the first respondent – Sub Registrar.

3. The said Thulasi Ammal adopted the petitioners' father S.Sundararajan. After the death of the said Thulasi Ammal, her adopted son Sundararajan was in possession and enjoyment of the subject property. The said Sundararajan too died on 18.06.2007 leaving behind the petitioners and



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their mother S.Indira as his legal heirs. The said Indira passed away on 13.01.2010. Thereafter, the petitioners have succeeded to the estate.

4. Having succeeded to the estate, the petitioners proposed to alienate the property in favour of a third party. At that time, they were informed orally by the first respondent that the second respondent / Executive Officer of Arulmigu Sri Renganathaswamy Temple had objected to the transfer of any land in Survey No.750 of Vellithirumutham Village, Srirangam Taluk, Tiruchirappalli District. The claim of the second respondent is that the subject property belongs to the Temple and therefore, Section 22-A of the Registration Act, 1908 operates as a bar for registration of the Temple properties. Feeling aggrieved over act that the property, which has been in possession and enjoyment of the family of the petitioners for over 72 years, is claimed to be a Temple property, the petitioners have come forward with the present writ petition.

5. Today, when the matter is taken up for admission, Mr.P.T.Thiraviyam, learned Government Advocate, took notice for the first respondent and Mr.M.Saravanan, learned counsel, came forth with the counter affidavit.



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6. Mr.P.T.Thiraviyam, learned Government Advocate appearing for the first respondent, states that as there is an objection from the second respondent, the first respondent is not in a position to proceed further with the registration of the subject property.

7. Mr.M.Saravanan, learned counsel appearing for the respondent, referring to the counter affidavit, states that as per the Inam Title Deed 1029, the property belongs to the second respondent – Temple.

8. Mr.P.R.Krishnaraj, learned counsel for the petitioner, rejecting the above arguments, points out that the properties to an extent of 27 Acres 4876 sq.ft., or 27.19 Acres or thereabouts had been acquired by the Government of Tamil Nadu, in exercise of its power conferred under Section 4(1) of the Land Acquisition Act, 1894. The acquisition had taken place on 04.01.1949 and it was followed up with Section 6 of the Land Acquisition Act, 1894 (declaration), after complying with Section 5-A of the Land Acquisition Act, 1894 (enquiry) on 23.08.1949. He states that an Award was also passed by the Government of Tamil Nadu and thereafter, the Government had alienated the property in favour of the Srirangam Cooperative Building Society Limited.



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9. Learned counsel for the petitioners urges that as the property had been acquired by the Government, any right, title or interest that the second respondent had over the property stands extinguished. The property, having been vested with the Government and in turn been given to the Srirangam Cooperative Building Society Limited, which had in turn allotted a portion of the property to Thulasi Ammal, the objection of the second respondent is baseless and that the first respondent should be directed to register the document presented by the petitioners.

10. I have carefully considered the submissions of both sides.

11. The perusal of the affidavit and counter affidavit makes it clear that the property was originally belonged to the second respondent – Temple. The Government of Tamil Nadu had acquired the property and thereby, depriving the Temple over the title of the property and vesting the title with the Srirangam Cooperative Building Society Limited. As the said Society became the owner of the property, it had alienated the property in favour of the petitioners' grandmother Thulasi Ammal. Therefore, on and from the date of purchase by the said Thulasi Ammal, she becomes the absolute owner of



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the property. All that the second respondent – Temple had was over the claim of compensation payable by the Government to it for the acquisition.

12. Once the title has been divested, the second respondent – Temple cannot make a claim of title, which has been acquired from it. Therefore, the objection given by the second respondent – Temple before the first respondent, in the light of the acquisition made by the Government, is absolutely untenable.

13. At this state, Mr.M.Saravanan, learned counsel appearing for the second respondent, pleads that it is doubtful as to when compensation was paid by the Government to the second respondent – Temple. This issue need not prevent the petitioners from proceeding further with registration of the property, which belongs to them.

14. In the light of the above, I pass the following directions:

- (i) This writ petition stands ordered.
- (ii) The first respondent shall receive any document when presented by the petitioners with respect to Plot No.C-19, New Door No.10/9, Seshadri Street,



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Renganagar, Vellithirumutham Village, Srirangam Taluk, Tiruchirappalli District.

- (iii) The objections of the second respondent – Temple over the properties covered by the land acquisition notification issued by the Government of India, which has been published at Page No.1395 of Part-I of the Fort St.George Gazette, dated 23.08.1949, shall not be entertained by the first respondent.
- (iv) The above directions will dispose of the issue presented in the present writ petition. No costs.

15. There yet remains one further issue as regards the payment of compensation to the second respondent – Temple by the Government.

16. The Tahsildar, Srirangam, Taluk, Tiruchirappalli District, is *suo moto* is impleaded as third respondent to this writ petition.

17. Mr.P.T.Thiraviyam, learned Government Advocate, who takes notice for the newly impleaded third respondent, shall get instructions from the Tahsildar, Srirangam Taluk, Tiruchirappalli District, as to whether any



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compensation was paid to the second respondent – Temple as regards the acquisition of the lands in Vellithirumutham Village, Srirangam Taluk, Tiruchirappalli District.

18. Post the matter on 24.03.2025 for reporting compliance.

07.03.2025

(2/2)

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

Note to Office:

- (i) Carry out the impleadment suitably in the cause title.
- (ii) Mark a copy of this order to the Tahsildar, Srirangam Taluk, Tiruchirappalli District.

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To:
The Sub Registrar,
Srirangam Registration Office,
Gandhi Road,
Srirangam,
Trichy-620 006.



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V.LAKSHMINARAYANAN, J.

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