

W.P(MD)No.6969 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.6969 of 2025

R.Rangarajan

..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,
Srirangam.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal check slip issued by the 3rd respondent in her proceedings in Refusal No.RFL/Srirangam/22/2025 dated 20.02.2025 and quash the same as illegal and consequently direct the 3rd Respondent to



W.P(MD)No.6969 of 2025

register the Sale deeds or settlement deeds or MOD or any other documents

WEB COPY

when it presented for registration by the petitioner with respect to the subject property bearing in T.S.No.1810 an extent of 25,682 Sq. Ft of land in ward - II Block No.34 and the land in T.S.No.1805/A3 and extent of 1,568 Sq. Ft in ward-II, Block No.34 and the land in T.S.No.2796 an extent of 6,578 sq.ft land in ward – II, Block No.65 in T.D.No.1102 at measuring total an extent of 33,828 Sq.Ft and out of property described above an extent of 3156 Sq.Ft in D1 Block in which 263 Sq.Ft of undivided 1/12th share in land for residential flat constructed bearing Flat No.81-S in D1-Block having a super plinth area of 920 Sq.Ft in the 2nd Floor in the complex known as “Gopalakrishna Apartments”, situated at Chairman Kodiyalam vasudeva Iyengar Nagar, Nethaji Street, Vellithirumutham Village, Srirangam Taluk, Trichirappalli District, without insisting No Objection Certificate from the 1st and 2nd respondents.

For Petitioner : Mr.K.Mahendran

For Respondents : Mr.P.T.Thiraviam
Govt. Advocate (RR1 and 3)

Mr.M.Saravanan (R2)



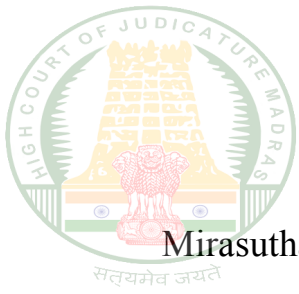
W.P(MD)No.6969 of 2025

WEB COPY

ORDER

The petitioner challenges the impugned refusal check slip issued by the third respondent in her proceedings in Refusal No.RFL/Srirangam/22/2025 dated 20.02.2025 and seeks further direction to the third 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 bearing in T.S.No.1810 an extent of 25,682 sq. ft of land in ward – II, Block No.34 and the land in T.S.No.1805/A3 and extent of 1,568 sq. ft in ward-II, Block No.34 and the land in T.S.No.2796 an extent of 6,578 sq.ft of land in ward – II, Block No.65 in T.D.No.1102 at measuring total an extent of 33,828 Sq.Ft and out of property described above an extent of 3156 sq. ft in 'D1' Block in which 263 sq. ft of undivided 1/12th share in land for residential flat constructed bearing Flat No.81-S in D1-Block having a super plinth area of 920 Sq.Ft in the 1st Floor in the complex known as “Gopalakrishna Apartments”, situated at Chairman Kodiyalam Vasudeva Iyengar Nagar, Nethaji Street, Vellithirumutham Village, Srirangam Taluk, Trichirappalli District, without insisting No Objection Certificate from the 1st and 2nd respondents.

2. The case of the petitioner is that the property situated in T.S.No.1810, 1805/A3, and 2796 belonged to one Kodiyalam Vasudeva Iyengar. He was a

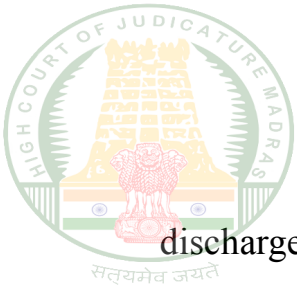


W.P(MD)No.6969 of 2025

Mirasuthar for the said village. On his death, the properties devolved on his legal heirs, and they divided the properties among themselves by way of a partition deed in Doc. No.275/1926.

3. In the said partition deed, the property was allotted to one of the sons of the said Kodiyalam Vasudeva Iyengar, namely, K.V.Rengasamy Iyengar. The said K.V.Rengasamy Iyengar appointed one G.Govindarajan as his power of attorney. This document was registered as Doc. No.240/1999 on 18.06.1999. His mother, Jeyam Ammal, also ratified the power of attorney deed.

4. The power agent G.Govindarajan developed an apartment and complex under the name and style of “Gopalakrishna Apartment.” One such apartment was purchased by R.Shenraj on 20.11.2003. A sale deed was also executed in his favour on 20.11.2003 in Doc. No.2155/2003. After the purchase, the said Shenraj appointed one G.Manjula as his power agent. The said Manjula sold a flat in favour of one S.Venkatachalam on 25.04.2014. The said S.Venkatachalam offered to sell the property in favour of the petitioner, and a sale deed has also been executed in his favour in Doc. No.1134/2014 on 15.05.2014. Post the purchase, the petitioner also mortgaged the property. The mortgage was registered in Doc. No.2372/2014. The mortgage was

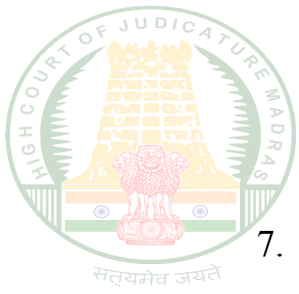


W.P(MD)No.6969 of 2025

discharged, and the same was registered as Doc. No.1666/2017. Thereafter, the petitioner had also created a mortgage in favour of LIC Housing Finance. This mortgage was discharged, and the discharge receipt was also issued on 24.05.2023 and the same was also registered as Doc. No.1765/2023.

5. Due to his present financial condition, the petitioner wanted to raise a loan with M/s Indian Bank, Srirangam Branch. M/s Indian Bank called upon the petitioner to create a mortgage by deposit of title deeds. When he presented the mortgage deed in favour of M/s Indian Bank, the third respondent refused to register the same on the ground that the second respondent had given an objection that the property situated in T.S.No.1805/A3 belongs to Srirangam Arulmigu Aranganthaswamy Thirukovil. Taking cognizance of the said objection, the impugned refusal check slip was issued. Challenging the same, the present writ petition.

6. I have heard Mr.K.Mahendran, for the petitioner, Mr.P.T.Thiraviam, learned Government Advocate for the respondents 1 and 3 and Mr.M.Saravanan, learned Standing Counsel for the second respondent.



W.P(MD)No.6969 of 2025

7. Mr.K.Mahendran, invites the attention of this Court to the previous order passed by this Court in ***M/s ARK Engineering and Power Consultant Limited Company vs. The Special Commissioner and the Commissioner, H.R and C.E., Department, Chennai, W.P.(MD).No.622 of 2025 dated 24.01.2025.***

He points out that with respect to the very same “Gopalakrishna Apartment,” this Court had considered the issues in depth, rejected the objections of the temple and had quashed the proceedings. This Court had recorded that the objection raised by the second respondent is untenable, as title deeds and the revenue records stand in the name of Vasudeva Iyengar.

8. Mr.K.Mahendran states that the petitioner is placed in the same situation as the petitioner in W.P.(MD).No.622 of 2025 and seeks a similar order.

9. Mr.P.T.Thiraviam states that as the temple authorities had objected, the Sub Registrar had no other option, but to refer to Section 22A of the Registration Act and issue the refusal check slip.

10. Mr.M.Saravanan refers to the counter filed by the Joint Commissioner/Executive Officer, Sri Ranganatha Swamy Temple, and urges



W.P(MD)No.6969 of 2025

that the petitioner will have to prove the document in civil court, and hence, the

WEB refusal check slip is valid.

11. I have carefully considered the submission of both sides.

\

12. A perusal of the records right from the year 1926 shows that the property has been exclusively handled by the family of Kodiyalam Vasudeva Iyengar and his legal heirs. One after the other registered the documents. As on today, an apartment complex under the name and style of “Gopalakrishna Apartment” is existing over the said land.

13. As rightly contended by Mr.K.Mahendran, this very issue had been considered by Mr.Justice G.K.ILANTHIRAIYAN in W.P.(MD).No.622 of 2025. He has come to a conclusion that the issuance of a refusal check slip on the basis of the objection given by the second respondent is unsustainable. The present petitioner also claims title to an apartment in the very same complex. Hence, the impugned refusal check slip cannot be sustained.

14. Accordingly, the impugned check slip issued by the third respondent in Refusal No.RFL/Srirangam/22/2025 dated 20.02.2025 is quashed. The writ



W.P(MD)No.6969 of 2025

petition is allowed. The petitioner can very well deal with the subject property to execute any document. The petitioner shall re-present the mortgage deed dated 20.02.2025 for registration before the third respondent. On receipt of the same, the third respondent is directed to register and release the same forthwith.

No costs.

15. Call the matter after three weeks for reporting compliance.

18.03.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

skn

To

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,
Srirangam.



WEB COPY



W.P(MD)No.6969 of 2025

V.LAKSHMINARAYANAN, J.

skn

Writ Petition(MD)No.6969 of 2025

18.03.2025