



W.P.(MD)No.7069 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.7069 of 2025

M.Jamiyalam

... Petitioner

VS.

1.The District Registrar,
Office of the District Registrar,
Heber Road, Near District Court Complex,
Trichy-1, Trichy District.

2.The Sub Registrar,
Srirangam, Trichy-6,
Trichy District.

3.The Commissioner,
HR & CE Department,
Nungambakkam,
Chennai.

4.The Joint Commissioner /Executive Officer,
Arulmigu Ranganatha Swamy Temple,
Srirangam, Trichy-6,
Trichy District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the second respondent proceedings made in Na.Ka.No. 76/10/2024 dated 26.04.2024 quash the same and further, direct him to register and release the document presented by the petitioner about his property situated at T.S.NO.1738/1B, Block No.31, Old Ward 2, New Ward B, Srirangam Taluk, Trichy District, with an extent of 0.0164.0 sq.mts and bearing D.No.25/62, Nariyan Street, Srirangam Trichy, within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.R.Sureshkumar (for R1 to R3)
Additional Government Pleader
Mr.M.Saravanan (for R4)

ORDER

The petitioner challenges the proceedings of the second respondent in Na.Ka.No.76/10/2024, dated 26.04.2024 and seeks to quash the same and also, for a direction to release the document executed by him.



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2. The petitioner claims that he is the owner of the property situated in T.S.No.1738/1B, Block No.31, Old Ward No.2, New Ward B, Srirangam Taluk, Thiruchirapalli District. He claims to have purchased the property by virtue of a Registered sale deed dated 18.11.1981. When he intended to raise a loan by way of a mortgage, he presented a document for registration. However, at that time, an objection was raised stating that the property belongs to 'Arulmigu Ranganatha Swamy Thirukovil, Srirangam'. Consequently, the second respondent issued a refusal check slip stating that he would not register the mortgage. Aggrieved by the same, the petitioner preferred an appeal to the first respondent, who upheld the order of the second respondent.

3.Challenging the same, he filed a writ petition before this Court in W.P(MD).No.7463 of 2021. That writ petition was allowed on 15.12.2023 following the judgment of the Division Bench of this Court in ***Sudha Ravikumar and another Vs., The Special Commissioner and Commissioner, Hindu Religious & Charitable Endowments Department, 2017 (3) CTC 135***. The matter was remitted to the second respondent for conducting a summary enquiry and to pass an order.`



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4. After enquiry, the impugned order was passed, holding that the document cannot be registered as the fourth respondent claims ownership of the property and has produced documents to substantiate the same. Challenging the said order, the present writ petition.

5. I heard Mr.R.Sundar for the writ petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 to 3 and Mr.M.Saravakumar, who takes notice for the fourth respondent.

6. In *Sudha Ravikumar's case*, a Division Bench of this Court held that if, after a summary enquiry, the Sub-Registrar concludes that the property belongs to a Religious Institution, the remedy for the party is to file a suit before the jurisdictional civil Court. In the present case, there are *prima facie* materials suggesting that the fourth respondent is the owner of the property. Therefore, the appropriate remedy for the petitioner, as directed by the Division Bench, is to approach the jurisdictional civil Court. Hence, this Writ Petition is dismissed with



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liberty to the petitioner to approach the jurisdictional civil Court to work out his right in the manner known to law. No costs.

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

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