



W.P.(MD) No.6759 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.6759 of 2022

1.R.Mayilsamy

2.P.S.Gurusamy Asari

... Petitioners

/vs./

1.The District Registrar,
Madurai South,
171, Palace Road,
Madurai 625 001.

2.The Sub Registrar,
Peraiyur Sub Registrar Office,
Peraiyur,
Madurai District.

3.M.Alagumalai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the Impugned rejection order passed by the 1st Respondent in Na.Ka.No. 1917/A1/2022 dated 14.03.2022 and to quash the same as illegal and



W.P.(MD) No.6759 of 2022

consequently directing the 1st Respondent herein to conduct enquiry on the complaint of the petitioners seeking cancellation of Trust Deed bearing No. 417/2021 dated 01.09.2021 on the file of the Sub-Registrar Office, Peraiyur, based on the petitioners' representation dated 04.03.2022.

For Petitioners : Mr.D.Srinivasaraghavan

For R1 & R2 : Mr.M.Sarangan
Additional Government Pleader

For R3 : Mr.J.Barathan

ORDER

The challenge in the writ petition is to an order passed by the first respondent rejecting the petitioners' request to cancel the document registered with it bearing Doc.No.417 of 2021.

2. The case of the petitioners is that Sri Pethanasamy and Sri Chinna Karuppannasamy Thirukovil are the ancient temples having history of more than 400 years. Various festivals have been conducted to the deities of the said temple. A suit in O.S.No.398 of 2017 is pending on the file of the Sub Court, Thirumangalam. A set of people excluding the other persons interested in the temple had created a trust deed adversely affecting the rights of various persons



W.P.(MD) No.6759 of 2022

interested. Hence, he had made a complaint to the first respondent for cancellation of the said trust document registered as Doc.No.417/2021. Without considering the rights of various parties, the first respondent had rejected the request of the petitioners with a direction to the petitioners to approach the appropriate civil Court for remedying their grievances.

3. On the contrary, Mr.M.Sarangan, learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 would submit that the authorities under the Registration Act, 1908 cannot conduct an enquiry into the validity of the document registered and cancel the same.

4. The learned counsel for the third respondent would submit that already a suit in O.S.No.398 of 2017 is pending consideration on the file of the Sub Court, Thirumangalam with regard to the rights of the parties for administration of the temple and therefore, there is no error in the order impugned herein.

5. I have considered the rival submissions made by the learned counsel on either side.



W.P.(MD) No.6759 of 2022

WEB COPY

6. As rightly pointed out by the learned Additional Government Pleader, a Full Bench of this Court had held that the Registration Authorities cannot enter upon the validity of the document and it is only for the parties to approach the appropriate civil Court in the manner known to law, in view of the law pronounced by the Hon'ble Apex Court. Hence, I do not find any infirmity in the order impugned herein.

7. In fine, the Writ Petition stands dismissed. However, there shall be no order as to costs.

Index : Yes / No
Internet : Yes / No
mm

02.01.2025

To

- 1.The District Registrar,
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- 2.The Sub Registrar,
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W.P.(MD) No.6759 of 2022

K.KUMARESH BABU, J.

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W.P.(MD) No.6759 of 2022

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