

W.P.(MD)No.11146 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.04.2025

CORAM

THE HONOURABLE MR.JUSTICE **V.LAKSHMINARAYANAN**

W.P.(MD)No.11146 of 2025

Balaraman

... Petitioner

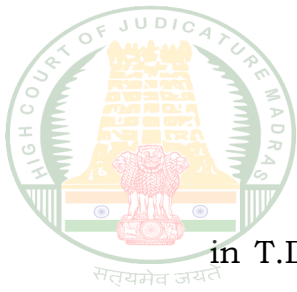
vs.

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 Officer, Srirangam. ... 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 relating to the 3rd respondent by her proceedings in Na.Ka.No. 161/2024 dated 09.12.2024 and quash the same as illegal and consequently to direct the 3rd Respondent to register the Sale deeds or settlement deeds or any other documents when it presented for registration by the petitioner with respect to the property bearing in old S.No.2162 and new T.S.No.2162/40 at measuring to an extent of 2095.25 Sq.Ft of land in Old ward No.2, New ward-B and Block No.48



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in T.D.No.1034, situated at Nelson Road, Vellithiurumutham Village, Srirangam Taluk, Trichirappalli District without insisting no objection certificate from the first and second respondents.

For Petitioner :Mr.K.Mahendran
For R1 :Mr.K.S.Selvaganesan
Additional Government Pleader
For R2 :Mr.M.Saravanan
For R3 :Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

I heard Mr.K.Mahendran for the petitioner, Mr.K.S.Selvaganesan for the first respondent, Mr.M.Saravanan for the second respondent and Mr.R.Suresh Kumar for the third respondent.

2.The petitioner seeks for the following relief:

“Writ of Certiorarified Mandamus, to call for the records relating to the 3rd respondent by her proceedings in Na.Ka.No.161/2024 dated 09.12.2024 and quash the same as illegal and consequently to direct the 3rd Respondent to register the Sale deeds or settlement deeds or any other documents when it presented for registration by the petitioner with respect to the property bearing in old S.No.2162 and new T.S.No.2162/40 at measuring to an extent of 2095.25 Sq.Ft of land in Old ward No.2, New ward-B and Block No.48 in T.D.No.1034, situated at Nelson Road, Vellithiurumutham Village, Srirangam Taluk, Trichirappalli District without insisting no objection certificate from the first and second respondents.”



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3.The petitioner claims that the property situated in T.S.No. 2162/40 to an extent 2095.25 sq.ft., comprised in Title Deed No.1034 of Vellithiurumutham Village, Srirangam Taluk, Trichirappall District, belongs to one Sellammal. She sold the property to one Narashimah Iyengar in the year 1951. Prior to the alienation, she had mortgaged the property to the very same Narashimah Iyengar in the year 1950. Narashimah Iyengar, after being in possession and enjoyment of the property, had sold the property in favour of the petitioner's father one Gurusamy Naidu on 18.07.1951. The petitioner's father had put up a superstructure over the same and had been in enjoyment of the said property from there onwards.

4.After the enactment of the Tamil Nadu Minor Inam (Abolition and Conversion into Ryotwari) Act, 1963, a *suo motu* enquiry was initiated by the Settlement Tahsildar with respect to the Title Deed No. 1034. Under the inam proceedings, patta was granted in favour of Gurusamy Naidu and seven others.

5.Gurusamy Naidu passed away on 09.05.1982 leaving behind his wife, Saraswathi and seven children. A release deed was executed by two of the sisters of the Writ Petitioner in favour of others on



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09.01.1986. Thereafter, the petitioner, his brothers, Durairajan, Thiagarajan, Seetharaman, Balakrishnan and his sister, Roja were in joint possession of the same. The petitioner's mother, Saraswathi passed away on 12.02.2021. On 22.05.2023, the remaining three brothers and sisters executed a partition deed allotting this property in favour of the Writ Petitioner. A partition deed too is a registered document in Doc.No.1726/2023.

6.The petitioner, thereafter, alienated the property in favour of one Sangeetha and presented a document for registration. At that time, he came to know that the second respondent had given a protest petition pleading that the property situated in T.D.No.1034 belongs to Arulmighu Renganathar Swamy Thirukovil at Srirangam. Instead of conducting an enquiry, the respondent straightaway rejected the document presented by the petitioner constraining him to file W.P. (MD)No.18981 of 2023. Following the judgment in ***SSudha Ravikumar vs Special Commissioner and Commissioner of HR & CE***, reported in ***AIR 2017 Mad 203***, this Court allowed the Writ Petition and remanded the matter for fresh disposal. Yet again, after enquiry, the third respondent refused to register the document. Hence, this Writ Petition.



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WEB COPY 7.While the matter came up for admission, Mr.Saravanan, filed a counter affidavit pleading that T.D.No.1034 had been issued by the Rulers of those days in favour of the second respondent Temple. It was on the basis of the said title deed that the second respondent had protested with the third respondent. Mr.Saravanan states that as the Temple is the owner of the property, the remedy for the petitioner is only before the civil Court and pleads for dismissal of the Writ Petition.

8.Mr.R.Suresh Kumar states that as an objection had been raised by the second respondent, the third respondent has refused to register the document.

9.I have carefully considered the submissions on all sides and I have gone through the records.

10.The narration of the aforesaid facts would show that the Government had taken over the estate under Act 30 of 1963 and had issued patta in favour of Gurusamy Naidu, father of the Writ

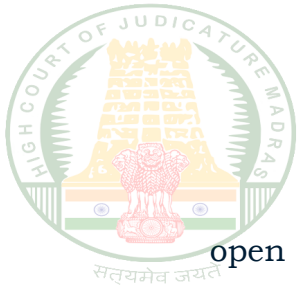


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Petitioner. Whatever right, title and interest that must have come under the title deed, stands abolished vested with Government and the Government in the settlement proceedings had given patta in favour of the petitioner's father. The petitioner's father had continuously dealt with the property from 1951 till his death in 1982. Thereafter, two documents have been registered, one being the release deed and the other being the partition deed in the year 1986 and 2023, respectively. There is no record to show that the Temple had challenged the proceedings of the Settlement Tahsildar before the Inam Tribunal or had initiated any suit for declaration of its right over the same. *Prima facie*, title exists in favour of the Writ Petitioner and therefore, rejection of the same by the third respondent is untenable.

11. In the light of the above discussion, the Writ Petition is allowed. The impugned order, dated 09.12.2024, is quashed. There shall be a direction to register the sale deed or any other documents with respect to the property bearing in old S.No.2162 and new T.S.No. 2162/40 at measuring to an extent of 2095.25 Sq.Ft of land in Old ward No.2, New ward-B and Block No.48 in T.D.No.1034, situated at Nelson Road, Vellithiurumutham Village, Srirangam Taluk, Trichirappalli District. In case the temple is still aggrieved, it is always



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open to it to initiate appropriate proceedings before the jurisdictional

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Index :Yes / No
NCC :Yes / No
cmr

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To

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Chennai -14.

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V. LAKSHMINARAYANAN, J.

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