

W.A(MD)No.1419 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

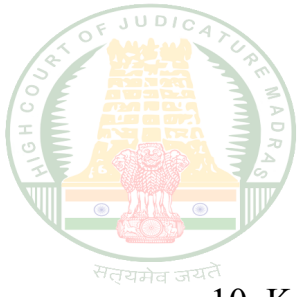
W.A(MD)No.1419 of 2016

The Special Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam High Road,
Chennai - 600 034.

... Petitioner

Vs

1. A.Ravi
2. N.Mayilsamy
3. R.Dhanasekaran
4. R.Subha
5. V.Palanisamy
6. P.Sumathi
7. P.Sadhasivam
8. P.Subramanian
9. M.Vijayalakshmi



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10. K.P.Thangavelu

11. Annammal

12. S.Palaniammal

13. S.Santhi

14. A.Subbramani

15. T.Manickavasagam

16. Pappathi @ Palaniammal

17. M.Karthikeyan

18. P.Dhanalakshmi

19. B.Chandrasekaran

20. N.Marappan

21. M.Sivasamy

22. K.Rajeswari

23. R.Pappannan

24. K.Muthusamy

25. S.Ramamoorthy

26. R.Balusamy

27. P.Kumudham

28. P.Chokkalingam

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29. K.Marappan

30. R.Rasu

31. G.Devi

32. S.Mani

33. A.Veerakumar

34. M.Amaravathi

35. P.Vaiyapuri

36. K.Varadharajan

37. V.Saraswathi

38. P.Thangavelu

39. G.Dhanalakshmi

40. P.Lakshmi

41. K.Thamilselvi

42. S.Sathiyamoorthy

43. The Inspector of General Of Registration,
Santhome High Road,
Chennai 600004

44. The Sub Registrar No.II,
Registration Department, Karur.

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to
setaside the order dated 19.05.2016 in W.P(MD)No.15863 of 2012.



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For Petitioner : Mr.Mr.P.Subbaraj
Special Government Pleader

For Respondent : Mr.N.Subramani
(R2, R3, R6 to R13, R15, R18,
R19, R22 to R25, R27, R28, R30
to R34 and R36 to R41)

: Mr.S.P.Maharajan (R43 & R44)
Special Government Pleader

: No Appearance
(R1, R4, R14, R16, R17, R20,
R21, R35 & R42)

: Not ready in notice
(R5, R11, R26 & R9)

JUDGMENT

[Judgment of the Court was made by S.M.SUBRAMANIAM, J.]

The writ order dated 19.05.2016 passed in W.P(MD)No.15863 of 2012 is under challenge in the present writ appeal.

2.Perusal of the writ order impugned reveals that the learned Single Judge has considered the nature of the documents and rights of the parties, which cannot be gone into by the Writ Court in exercise of the powers of judicial review. The presentant of the document has to



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establish that he got a right to register the property under the provisions of the Registration Act. However such an exercise cannot be undertaken by the Writ Court nor a roving enquiry can be conducted to ascertain the rights of a person in a writ proceedings. In the present case, the order deals with the issues on merits which is unnecessary for the High Court.

3.The prayer sought for in the writ petition is to register the document of the petitioner relating to the land in S.No.239/1 situated at Kadappari Village in Karur Taluk. When the writ prayer itself to register the document, the High Court is not expected to go into the rights of the parties and thus the writ order impugned is infirm. However, any person is at liberty to present a document for registration and the registering authority has to thoroughly scrutinize the document with reference to the provision of the Registration Act and in the present case, the impleading respondent claimed that it is a temple property and therefore, the said objection also to be considered in the context of Section 22(1)(A) of the Registration Act and appropriate decision is to be taken.



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4. With these observations, the writ order dated 19.05.2016 in W.P. (MD)No. 15863 of 2012 is set aside and consequently, the writ appeal stands allowed. No costs.

[S.M.S., J.] [A.D.M.C., J.]
19.06.2025

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

To
The Special Commissioner,
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S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

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